

February 6, 2017

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on February 6, 2017 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 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 4, 2017 and was published in *The Ocean Star* on January 13, 2017 and the *Asbury Park Press* on January 7, 2017.

The roll was called for attendance. Present were Mayor Curtis and Councilmembers Hein, Barnes, Magory, Lyons and Borough Attorney, Jean Cipriani. Councilmember Green and Glass were absent.

Councilmember Magory moved to approve the regular minutes of January 3, 2017. The motion was seconded by Councilmember Hein and passed on roll call vote. YEAS: Hein, Barnes, Magory, Lyons.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Hein, Public Services, read the Construction Official reports for the month of January. Copies of the report is attached to these minutes. Bart Petrillo retired as of December 31st so we do not have a Zoning Report for January.

Tomorrow we will have our Quarterly Safety Meeting and later this evening we will be accepting the Safety and Compliance Program.

Councilmember Barnes, Legal and Planning: The recent New Jersey Supreme Court ruling concerning COAH requires towns to allow for reasonable development for moderate and low income housing. We don't know what the number will be because they haven't developed a formula. They are sending a strong message to towns that they have a responsibility. We have been in touch with our Special COAH Council, Jeff Surenian.

Councilmember Hein: Did I see somewhere that we would be forced to buy land to provide the housing in town?

Mrs. Cipriani: No.

Councilmember Barnes: The second issue is the substance abuse problem in Ocean County – which leads the country. I would like to plan a night out to

basically bring awareness, education and information to our residents. I hope to have a separate meeting. I am also looking into a change in our Code which would require in the construction of new dwellings to construct a locked stainless steel medicine cabinet. This is a very big problem so keep an eye on it – it is a reality. We all need to be aware of what is going on in our own back yard.

Councilmember Barnes, read the Police Report and OEM report for the month of January. A copy of the report is attached to these minutes.

OEM Tip of the Month: Handouts are available.

Be Ready Register Ready!

You (or someone on your behalf) should register if you may find it difficult to get to safety with family or friends, or to a public shelter during an emergency evacuation, because of a physical or cognitive limitation, or language barrier.

How can I register?

Log onto www.registerready.nj.gov

Call New Jersey's toll-free 2-1-1 telephone service for registration or help, translation, and TTY/TDD services.

Councilmember Magory, Public Works: We are in the process of obtaining all the final inspections. We should have them by the end of this week or early next week and be able to move in. The furniture and phones are in. I will be offering a resolution for modifications made to the new building tonight. The overall cost of the building is \$2,940,000.00. We are receiving FEMA Grant of 1.4 million for the old building and \$300,000.00 for the new generator.

I will also be offering resolutions for fire and security monitoring for the new building, repaving of five streets, repaving of the parking lot at the Recycle Center and authorize the submission of Tonnage Grant Application.

Councilmember Lyons, Finance: Finance has been busy. We will be introducing our 2017 Municipal Budget tonight. Next month our CFO, Bill Antonides will be present to answer any questions you might have on the budget. If you would like a copy of the budget you can pick one up at the Clerk's office.

Ms. Cipriani: You are really to be commended. I work in a number of towns and have never seen a budget introduced this early.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Request from Kate Shea Foundation for permission to hold their 14th Annual Bay Head 5K Memory Run on Saturday, May 20, 2017 with an 8:30 am start time.

Request from National Multiple Sclerosis Society's New Jersey Metro Chapter for the "Coast to Coast" Bike MS Ride on Saturday, May 20, 2017 and Sunday, May 21, 2017 through the Borough of Bay Head.

Request from Bay Head Business Association permission to use Centennial Park on Sunday, June 25, 2017 for "Art in the Park" from 8 am to 6 pm.

Request from Bay Head Business Association for permission to re-create the 2nd Annual "Glimmer of Hope" on Saturday, August 12 with rain date of Sunday the 13th at 7:30 pm on Twilight Lake.

An application from the Church of the Sacred Heart for an On Premise Raffles License for an event to be held on March 11, 2017 at 751 Main Avenue.

Councilmember Magory moved to approve the request which was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Hein, Barnes, Magory, Lyons. NAYS: None.

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

Councilmember Barnes requested Ordinance 2017-01 entitled:

AN AMENDMENT TO ORDINANCE 2016-09 ESTABLISHING SALARY, WAGES, HOLIDAYS, SICK LEAVE, VACATIONS AND OTHER BENEFITS OF EMPLOYMENT OF CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY FOR THE CALENDAR YEARS 2016 THROUGH 2019

Councilmember Barnes moved to approve 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 a 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, Barnes, Magory, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Ordinance, First Reading:

Councilmember Barnes offered Ordinance 2017-02 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 114 ENTITLED "FEES"

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

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

Councilmember Lyons offered Ordinance 2017-03 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, STATE OF NEW JERSEY, TO EXCEED THE 2017 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40:4-45.15)

Councilmember Lyons moved this ordinance on first reading, which motion was seconded by Councilmember Hein.

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

Mayor Curtis called for Unfinished Business.

Councilmember Hein request Resolution 2017-32 be removed from the consent agenda.

Councilmember Barnes: When will garbage collection go back to twice a week?

Councilmember Hein: April 1st.

Mayor Curtis called for New Business and Resolutions.

Councilmember Barnes offered Resolution 2017-27 Re-Appointment of Frank S. Salzer, Esq. as Judge of the Municipal Court of the Borough of Bay Head.

Councilmember Barnes offered Resolution 2017-28 authorizing payment to employees for hours of accrued compensatory time from Police Salaries and Wages.

Councilmember Barnes offered Resolution 2017-29 awarding Peddler's License for the Year 2017.

Councilmember Barnes offered Resolution 2017-30 authorizing entry into the Second Amendment to a Shared Services Agreement with the Borough of Point Pleasant for the Sharing and Leasing of the Point Pleasant Borough Municipal Courtroom.

Councilmember Barnes offered Resolution 2017-31 authorizing the execution of a Policy Endorsement with Metropolitan Life Insurance Company (METLIFE) administered by Bollinger Specialty Group for Group Dental Service Plan Coverage.

Councilmember Hein offered Resolution 2017-33 appointing Theodore A. Bianchi as Part-Time Zoning Official.

Councilmember Hein offered Resolution 2017-34 appointing Bart Petrillo as Part-Time Code Enforcement Official.

Councilmember Hein offered Resolution 2017-35 Acceptance in Ocean County Municipal Joint Insurance Program Safety and Compliance Program.

Councilmember Lyons offered Resolution 2017-36 amending Resolution 2017-24 providing for payment of Salary and Compensation of Borough Officials and Employees for 2017.

Councilmember Magory offered Resolution 2017-37 authorizing the submission of a Grant Application and execute a Grant Contract with the New Jersey Department of Transportation for the MA-2017 – Borough of Bay Head Various Road Improvement – 0028 Project.

Councilmember Magory offered Resolution 2017-38 awarding a Professional Services Contract to Remington, Vernick & Vena Engineers to provide Engineering Services for the Public Works Parking Lot Project.

Councilmember Magory offered Resolution 2017-39 authorizing submission of Tonnage Grant Application on behalf of the Borough of Bay Head.

Councilmember Magory offered Resolution 2017-40 approving Tax Certification pursuant to Recycling Enhancement Act.

Councilmember Magory offered Resolution 2016-41 authorizing the execution of an Agreement with Vector Security for Fire and Security Alarm Monitoring Services for the new Municipal Building.

Councilmember Lyons offered Resolution 2016-42 Introduction of the 2017 Municipal Budget.

Councilmember Barnes offered Resolution 2016-43 authorizing execution of First Amendment to Service Agreement with AIRBUS DS Communications, Inc. for Routine/Emergency Communication System.

Councilmember Magory offered Resolution 2016-44 authorizing the execution of Addendum No. 4 to the Contract with M & M Construction Company for the Construction of a New Municipal Building due to Superstorm Sandy.

Councilmember Barnes moved the above resolutions be adopted. The motion was seconded by Councilmember Hein and passed on roll call vote. YEAS: Hein, Barnes, Magory, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Councilmember Lyons offered Resolution 2016-32 supporting Congressman Christopher H. Smith's request to the National Oceanic and Atmospheric

Administration (“NOAA”) to halt implementation of its Final Rule concerning Fishing Year 2017-2018 Summer Flounder specifications until a final benchmark assessment is complete.

Councilmember Hein: While respecting Chris Smith – the Commission and Council are responsible for the shores off New Jersey. They determine the size and the number that should be caught. I haven’t found anything that refutes their findings. Yes it will hurt the party boats but which is the more important – over fishing or party boats? I don’t want to have the fish die off.

Councilmember Magory: I am also concerned with the industry. I don’t know that I believe it has to be limited.

Councilmember Hein: They say the last two years have been over fished.

Mayor Curtis: I back up Chris Smith and the industry.

The motion passed on roll call vote: YEAS: Barnes, Magory, Lyons. NAYS: Hein. A copy of the resolution is attached to these minutes.

Mayor opened the meeting to the public.

Michael Van Sciver, 431 Main Avenue: When will Bart Petrillo be available to do transfer and rental inspections? John Wardell was filling in. We need someone on call right now.

Councilmember Hein: Bart will be available.

Mr. Van Sciver: If the Judge rules in favor with the State concerning Beach Renourishment – how does that affect the Public Trust Doctrine?

Ms. Cipriani: It would not affect the access points. The Borough of Bay Head has enough entry points. Judge Fords decision wouldn’t crate additional access.

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, Barnes, Magory, Lyons. NAYS: None. A list of the vouchers is attached to these minutes.

The meeting was adjourned.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

