

**August 6, 2012**

**The regular meeting of Mayor and Council of the Borough of Bay Head was held on August 6, 2012 at 7:00 pm in the Council Chambers of the Borough Hall.**

**Mayor Curtis called the meeting to order and welcomed everyone. He asked everyone to stand and join him in the Pledge of Allegiance to the Flag.**

**The roll was called for attendance. Present were Mayor Curtis and Councilmembers DeFilippis, Green, Barnes, Glass, Magory, Urner and Borough Attorney, Denis P. Kelly.**

**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 in the main corridor of the Borough Hall and was published in *The Ocean Star*.**

**Councilmember Barnes moved to approve the minutes of July 2, 2012. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None.**

**Mayor Curtis stated the evening would begin with a presentation and asked Councilmember Green make the introduction.**

**Councilmember Green introduced Dr. Stephen J. Sousa, Ph. D., who led the recent study of Twilight Lake. Dr. Sousa is the President of Princeton Hydro Company. He has worked as a professional lake manager since 1981. His lake restoration experience includes dredging, aeration, weed and algae control.**

**Dr. Sousa: We engaged in a study of Twilight Lake. The work was initiated in May of this year. It was really a fact finding mission. There has been issues as you know with sedimentation, algae blooms, shoreline erosion which are the same types of matters that is impacting everyone of the coastal lakes and I have worked on a number of them. The problems you are facing here are no different than what is being faced at Deal Lake, Franklin Lake etc. First and foremost I want to tell you that there were a number of water quality parameters that we measured which provide an overall report card of the eco system. All those parameters came back very positive. Twilight Lake over all is in great shape. Its primary use is non-contact recreation, fishing, aesthetics, and those types of recreation pursuits. The lake does have some issues with some sedimentation. The lake is fairly uniform in depth. It has an average depth of around 2.8 feet. It is somewhat shallow but not unusual for many of the coastal lakes. At the mouth of**

Scow Ditch there is a fair amount of accumulated sediment on the order in some places as much as six feet. In the northeast corner it is 2 to 2.5 feet but is really compact containing a lot of road grit and sand. Scow Ditch is from what would come in from a tidal system. In the northeast corner there is more organic sediments which is more of a marsh area. We tested the sediments and they are devoid of containments. PAH was present but that is a by product from road runoff – it is a very common containment in sediments. Nothing in the sediments will prohibit a permit to dredge if that is what you want to do. I was asked to take a look at some things that could be done short term beyond dredging. Dredging is very expensive and a very lengthy process. You don't have to do the entire lake, you can do what we call spot dredge and just focus the activity where you have the greatest accumulation of sediment which would probably be the most appropriate approach. We have a lot more homework to do before dredging could take place. We were asked to look at and maybe supplement or enhance the lakes water quality and usability – what to do about algae and weed problems. I filed for a permit to allow the Borough to conduct algae and weed treatments by using DEP approved products if you choose. We also looked at some opportunities to control and manage storm water run off from the immediate community. I spoke with Dr. Stan Hales from the Barnegat Bay Initiative and there may be some grant money available to do storm water management projects in the community. The last two pages of the handout show some examples of the types of low intensity storm water management that could be conducted around the perimeter of the lake. They are attractive, low maintenance, easy to implement – one is a rain garden type of approach. There are also the street side tree boxes and we have used these in numerous locations and they have really, really high sediment removal and nutrient removal capabilities. Hopefully if the grant money does come through those are two types of projects that we would be looking at to potentially implement. I do think you have some opportunity to open up some dialogue with NJ Transit to do some storm water management at their facility. There are no containments coming from their property but it would be to manage the nutrients, the sediment that are responsible for algae blooms. I will leave you with three concluding remarks.

1. The lake is in really good shape. It meets in full its use requirements in the way of non contact use – boating, fishing, kayaking. It is a great lake and it has a lot of potential with its proximity to the ocean and shore birds and that makes most of the coastal lakes very special in itself.
2. You do have a fair amount of sediment accumulation which is concentrated in two locations the northeast corner and the mouth of Scow Ditch. We can look going forward on what to do about that and how to manage it. It will be complicated because even the easiest dredging solution is still a complicated project.
3. There a number of easy to implement, with grant money or environmental trust money to do some of these simple, attractive storm water management solutions which would remove the nutrients that are in the sediments and are

**primarily responsible for most of the algae blooms and weed growth.**

**Mayor Curtis opened the meeting up to questions from Council.**

**Councilmember Urner: On the permit – did you say you have filed for one for us?**

**Dr. Sousa: Correct, and it was issued.**

**Councilmember Urner: Is it life long once we get it?**

**Dr. Sousa: It is annual and only issued to a licensed applicator with DEP. We filed on behalf of the Borough and the fee is roughly \$150.00. If you want to proceed with algae and weed treatment in the future you have someone obtain the permit and implement the treatment.**

**Councilmember Urner: How long does it take to get a permit?**

**Dr. Sousa: If you apply in January you should have the permit in six weeks.**

**Councilmember Urner: You recommend that we apply every January for that permit.**

**Dr. Sousa: Correct.**

**Councilmember Magory: On the sediment itself, at what depth, impacting on the water itself do people normally decide to try dredging?**

**Dr. Sousa: It is really a function of the use. For sail boating you would want six or eight feet. As from the handouts you can see that a large portion of the lake has uniform depths so that is why I am not saying that it is a barn burning type of exercise that you have to do immediately. Normally anything less than two feet of standing water, that might be reason enough to start looking at dredging as an option.**

**Councilmember Magory: I assume that this lake may not have ever been dredged.**

**Dr. Sousa: Exactly, and we did sediment cores but it is very difficult to differentiate between high sand content from what someone might call a natural bottom material. We found very thin deposits, except in the two locations is there evidence of a more rapid in filling.**

**Councilmember Magory: The normal assumption would be not dredging or doing anything like that – the current use of the lake should be able to continue over many more years right?**

**Dr. Sousa: Except in those two areas. What is happening though is that you are starting to get a lot of weed growth in those areas where the sediments are accumulating.**

**Councilmember Magory:** And that is where the application you filed for would be used to kill that weed growth and algae bloom.

**Dr. Sousa:** It could rectify it.

**Councilmember Green:** Please describe what would happen over time, particularly in the northeast corner, should sediment continue to accumulate there?

**Dr. Sousa:** You are seeing it now – when you get a delta to form and then the weeds start to grow on that and you end up with a loss of surface water. Basically the lake begins to shrink.

**Councilmember DeFilippis:** The northeast corner of the lake is relatively new, as far as the material that is accumulating there. That area in the northeast corner two years ago had over two feet of water in it and now it has close to eight inches of water. We can't make the assumption that we have a long time to wait to do anything. There is an influx of material being dumped in there.

**Dr. Sousa:** That is why I am saying you have two corners of the lake that really necessitate some attention. It is a complex solution and that is why storm water management needs to go hand in hand with dredging. The north end is more evidence of road grit, urban run off, very light amount of organics with a very high amount of grit and sand. Those are the two areas that need the most attention. The majority of the lake has very little amount of the material that has accumulated.

**Councilmember DeFilippis:** With no comparison – we don't know what the time factor is. Conditions have changed in the lake in the last five years and we have had accumulation that would probably have taken fifteen or twenty years to generate. We have external sources that are affecting that end of the lake.

**Dr. Sousa:** Those are all accurate points. When you have very sandy material, very compacted material, it is almost impossible to put a time line because everything starts to look very much the same. If you got organic deposits then you start to see that leering and you get a better feel and that is what you see down at Scow Ditch end – you see more of that leering. At the northeast end you got a lot of compacted sandy road grit type of material that is evident of urban storm water run off.

**Councilmember Barnes:** You had mentioned the water is fine for non contact purposes – what would have to happen to get the quality of the water good enough for swimming?

**Dr. Sousa:** It is primarily bacterial and the bacteria driven issues in all of the coastal lakes is the function of shore birds particularly geese. The majority of the problem you see is really waterfowl related. To get the numbers down low enough and consistently enough become somewhat difficult for contact recreation.

**Councilmember Urner:** With the permit on algae blooms, is it possible to get a limited permit on dredging – say the northeast end and Scow Ditch?

**Dr. Sousa:** That is what is called spot dredging. The permit process becomes basically the same. What DEP will allow you to do is selective removal of sediment from a water body. You can apply for a permit that is very site specific.

**Mayor Curtis** opened the meeting for questions from the public.

**Bob Hein, 204 East Avenue:** My assumption is the pipe that comes from Point Pleasant, which dumps into the northeast corner, is the cause of the sediment build up there.

**Dr. Sousa:** That is correct.

**Mr. Hein:** Do you think it would be a good idea to pursue shutting that down.

**Dr. Sousa:** I think there are options if this grant comes through with the Barnegat Bay Partnership. It may provide an opportunity to look at regional storm water management solutions that will address that sediment that is coming in before it reaches the lake that would be the objective.

**Willie DeCamp, Save Barnegat Bay:** It is wonderful to hear the lake is in great shape. Is part of the reason there is such a steady flow that is always coming in at the northeast corner is that it is attached to Scow Ditch?

**Dr. Sousa:** I am not sure. It is a unique water body because it does have the tidal flushing and also the nature of the development around the lake throughout the watershed.

**Stan Niedzwiecki, 60 Johnson Street:** Are you saying with the New Jersey Transit situation run off from their property is not an adverse effect on our lake?

**Dr. Sousa:** We did not find any contamination in the sediment that would be indicative of any serious PCB or DDT or any kind of material like that.

**Mr. Niedzwiecki:** That is only the lake – what about the 25 acres of land NJ Transit is in?

**Dr. Sousa:** That is the next step. This was fact finding to find what is happening within the lake and how it is responding to inputs from the entire community. Sediments were collected very close to the point of entry from NJ Transit and there was nothing in those sediments that would be a problem.

**Councilmember Green thanked Dr. Sousa for coming and sharing the presentation with the Governing Body and the residents.**

**Mayor Curtis: If anyone would like a copy of the report Dr. Sousa referred to in his presentation, please see one of us after the meeting.**

**Mayor Curtis introduced Peter Johner, Area Manager from Jersey Central Power and Light Company.**

**Mr. Johner spoke about the Science Technology, Engineering and Math grant that is given by First Energy. They review projects proposed by teachers from pre-kindergarten through grade 12 and gives grants based on the project and the need of the grant money to make it a success. Lauren White, a seventh grade teacher at Bay Head School received a STEM grant for the 2011-2012 school year. Secondly, I left with you a list of phone numbers that can be given out to the residents who are seeking information about power outages. It will automatically create and order that our dispatch center will get so we can get crews out to make the necessary repairs to get them back in power. Lastly I would like to invite you to our dispatch center in Red Bank so we can give you a tour of what we are up against during a major storm event.**

**Councilmember Green: Have you had Emergency Management Coordinators take the tour?**

**Mr. Johner: We have had the Monmouth County Police Chiefs and Ocean County Emergency Management Coordinators.**

**Councilmember Urner: How effective is solar power in the grid?**

**Mr. Johner: The State is looking for 20% of green power that goes into the grid. We experimented with pole mounted solar panels and they were putting about 200 watts of energy into the grid. We decided to get out of that program because it was not working out that well.**

**Councilmember Urner: How about wind turbines?**

**Mr. Johner: We are responsible for buying that power – we have had more that 1600 applications for solar/wind installation. All of this goes to PJM – Pennsylvania Jersey Maryland Power Pool and they control this system.**

**Bruce Brown, 526 East Avenue: We had a live wire down two or three weeks ago on the 600 Block of Main Street. It took approximately two hours for the utility to respond. It was not weather related. Where is the depot you folks come from? In looking forward is it possible that we can anticipate a time that you can turn that off remotely, so it doesn't matter when the truck can come because you would have done the work that would allow our emergency responders to more on.**

**Mr. Johner: The office that handles this area is located in Point Pleasant Beach the trucks are there. On our transmission and sub transmission is communicated by our dispatch center in Red Bank.**

**Sue Shore, 128 Osborne Avenue: Is there any consideration to moving the line underground?**

**Mr. Johner: Right now the company is not considering that – it is very expensive and we have to get the rights to do it. Right now we only have rights for the poles not the wires. State law requires any subdivision of two lots or more to go underground and the developer picks up that tab.**

**Mayor Curtis thanked Mr. Johner for sharing the information.**

**Mayor Curtis called for Reports of Standing Committees.**

**Councilmember DeFilippis, Public Works, had no report.**

**Councilmember Green, Parks, Grounds and Recreation, had no report.**

**Councilmember Barnes, Legal and Planning: We are settling the lawsuit with Ameripay which was our former payroll provider. We will also have a resolution concerning COAH. Also, Mayor you had requested that I look into the feral cat issue. We already have wording in our Ordinance that would cover it. It is under Wild Animals and there are provisions in there that you can't feed any wild cats and feral cat is considered wild. Feel free to issue summons if you like.**

**Mayor Curtis: Chief Hoffman did you hear that.**

**Chief Hoffman: Yes sir.**

**Councilmember Glass, Public Services, read the monthly report for June and July from the Bay Head Fire Company. A copy of the report is attached to these minutes. She also reminded everyone of the Bay Head Fire Company Clambake to be held Saturday, August 18<sup>th</sup> from noon to 5 pm.**

**Councilmember Magory, Public Services, read the Zoning Officer and Construction Official report for the month of July. A copy of the report is attached to these minutes.**

**Councilmember Urner, Finance, had no report.**

**Mayor Curtis: I remind everyone that August 20<sup>th</sup> we will have our Non Voter Taxpayer meeting, our 5<sup>th</sup> annual. A month or so ago Stan Niedzwiecki implored the Council to write to the Queen and congratulate her on her Diamond Jubilee, and I did. This week we received the following from Buckingham Palace:**

**I have been asked to thank you, the Council and citizens of the town of Bay Head, New Jersey for your kind letter containing a message of congratulations to The Queen, sent on the Occasion of the Sixtieth Anniversary of Her Majesty's Accession to the Throne.**

**The Queen much appreciates your thoughtfulness and sends her**

**Best wishes for an enjoyable Diamond Jubilee year.**

**Yours sincerely,**

**Christopher Sandamas**

**The Chief Clerk to The Queen**

**I would like to thank Peter Green, he is our English connection, for giving me the correct words to say so that we would get a response.**

**Mayor Curtis called for Clerk's Correspondence.**

**Mrs. Applegate offered the following:**

- 1. An application for Raffles License from Deborah Hospital Foundation Point Pleasant Chapter for On Premise 50/50 to be held monthly in 2013 at 640 Lake Avenue**
- 2. Request from Special Olympics New Jersey, The SE NJ Elks Special Children's Committee and the Jersey Shore Running Club for permission to run through Bay Head on Saturday, April 20, 2013**
- 3. Request from Bay Head Business Association to expand the Farmer's Market to a weekly event on Thursday**
- 4. An application for Raffles License from Sacred Heart Holy Name Society for Off Premise 50/50 to be held monthly in 2013 with drawing to be held at Msgr. Casey Hall**
- 5. Request from Bay Head Business Association for permission to hold an Autumn-fest Craft Fair in Centennial Park on Saturday, October 13<sup>th</sup> with rain date Sunday, October 14<sup>th</sup> from 6 am to 6 pm**

**Mayor Curtis called for Unfinished Business. There was none.**

**Mayor Curtis called for New Business and Resolutions.**

**Councilmember DeFilippis offered Resolution 2012-89 authorizing the receipt of bids for the installation of Sanitary Sewer Cleanouts on Sewer Laterals along the Route 35 corridor.**

**Councilmember Barnes offered Resolution 2012-90 amending Section 2.4 Entitled Overtime Compensation of the Borough Employee Handbook.**

**Councilmember Green offered Resolution 2012-91 authorizing the execution of an Addendum to the contract with All Surface Asphalt Paving for final as-built quality adjustments, additional grading, surface course mixture additive.**

**Councilmember Glass offered Resolution 2012-93 appointing Kenneth M. Montalbano and Richard J. Moriarty as Part-Time SLEO II.**

**Councilmember Barnes offered Resolution 2012-94 authorizing the Settlement of Litigation filed against the Borough of Bay Head entitled “*Forman as Chapter 7 Trustee for Ameripay, LLC vs. Borough of Bay Head*”**

**Councilmember DeFilippis offered Resolution 2012-95 authorizing submission of the 2011 Tonnage Grant Application.**

**Councilmember Urner offered Resolution 2012-96 authorizing the Declaration of an Emergency for expenses arising from the Settlement of Litigation filed against the Borough of Bay Head entitled “*Forman as Chapter 7 Trustee for Ameripay, LLC vs. Borough of Bay Head*”**

**Councilmember Urner offered Resolution 2012-97 authorizing payment to employees for hours of accrued compensatory time from the budgetary provision approved as part of the 2012 Budget under General Appropriation names as Deferred Compensation Salary and Wages.**

**Councilmember Barnes offered Resolution 2012-98 authorizing the Transfer of Funds to the State of New Jersey Affordable Housing Trust Fund as required by N.J.S.A. 52:27D-329.2 and 329.3.**

**Councilmember Barnes moved that the resolutions be adopted. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of each resolution is attached to these minutes.**

**Mayor Curtis opened the meeting for Public Discussion.**

**Bruce Brown, 526 East Avenue: Does the new contract with Suburban have the same language as to how early they can start work?**

**Councilmember Magory: It is the same contract.**

**Mr. Brown: They are starting before 6 am.**

**Councilmember Magory: I will check it out.**

**Joanne Pehlivanian, 332 Western Avenue: Did we earn any interest on the COAH account?**

**Councilmember Barnes: If we did it wasn't ours.**

**Bill Furze, 2 Wyndham Drive: Since we are discussing that the trash haulers are starting too early – the contractors are also working after hours. Are they given anything as to the hours when they obtain permits?**

**Mayor Curtis: If you see contractors working before or after the hours allowed please call the police and a summons will be issued.**

**Councilmember Magory: The hours contractors are allowed to work are given when the permits are issued.**

**Sue Shore, 128 Osborne Avenue: Why do we have to call?**

**Mayor Curits: The Police patrol the town but they can't be everywhere at one time.**

**Bill Podurgiel, 45 Karge Street: I would like to commend everyone for all the excitement the canoe race brought to Twilight Lake last Saturday. It was great and I hope more people participate next year. How is the response to the alert system?**

**Councilmember Barnes: I think we have about 100 residents who have registered. Hopefully the letter being mailed tomorrow will generate more to register.**

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

**The meeting was adjourned.**

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**Patricia M. Applegate, RMC  
Municipal Clerk**

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**William W. Curtis, Mayor**