

February 6, 2012

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on February 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.

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*.

The roll was called for attendance. Present were Mayor Curtis and Councilmembers DeFilippis, Green, Barnes, Glass, Magory, Urner and Attorney, Jean L. Cipriani.

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

Mayor Curtis appointed William B. Tubbs as Alternate #1 to the Bay Head Planning Board.

Mayor Curtis read a Proclamation for Read Across America. A copy is attached.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Public Works: Shortly we will begin work on our fire house by removing the existing ramp and installing a new one. The front entrance will be re-fabricated to meet ADA requirements. All of this work will be covered by a federal grant.

Councilmember Green, Parks, Grounds and Recreation: Recently there was an excellent article in *The Ocean Star* regarding the Barnegat Bay Blitz. We were presented a Certificate of Appreciation from the Governor and Bob Martin for our participation in the Barnegat Bay Blitz. It was a very successful endeavor in the eyes of the DEP and the Governor's office. I again would like to thank Commissioner Martin; Mayor Curtis, Council, Superintendent Ravally, and Principal Therien for all their support. We have been asked to participate in the next Blitz to be held on May 9th.

Mayor Curtis: It was a wonderful program and if any of you participated, you know it was one of the nastiest days in Bay Head other than the hurricane.

Councilmember Barnes, Legal and Planning: The Legal Committee is in the process of going through the entire Borough Code looking for any inconsistencies or outdated language. We started that process and have an ordinance we are going to introduce tonight.

Councilmember Glass, Public Safety, read the Police Activity report and the Fire Department report for the month of December and January. A copy of the report is attached to these minutes.

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

Councilmember Urner, Finance: Tonight we will introduce the Temporary Capital Budget for projects to go forward. The Finance Committee will be meeting on Wednesday to work on the operating budget for 2012 to be introduced in March and adopted in April. We did not raise property taxes last year but they will be raised this year.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

Request from Bay Head Business Association for the use of Centennial Park for Art in the Park on Saturday, June 9th with a raindate of June 10th from 10 am to 4 pm and the use of restrooms in Borough Hall

Request from the National Multiple Sclerosis Society's NJ Metro Chapter hosting their Annual "Coast the Coast" Bike MS Ride for permission to ride through Bay Head on Saturday, May 19th

Request from the Kate Shea Foundation to hold their 9th Annual Bay Head 5K on Saturday, May 19th

Request from Clean Ocean Action to hold their 27th Annual Beach Sweeps on Saturday, April 21st and Saturday, October 20th from 9 am to 12:30 pm

Request from Bay Head School to use Howe Park for softball Practices and scheduled games from April 2nd through June 8th from 2:30 to 5:30 pm

Request from Point Pleasant PBA softball team to use Howe Park for games on Tuesday evenings from April 3rd to September 25th From 5:30 to 8:00 pm

Request from Jersey Shore Vipers softball team to use Howe Park for practice on Thursday evenings from March 1st to May 31st

from 5:30 to 8:00 pm

Request from Point Pleasant Soccer Club to use Howe Park for Practice on Wednesday and Friday evenings from March 1st to June 29th from 5:30 to 8:00 pm

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

Mayor Curtis called for Ordinances, First Reading:

Councilmember Barnes offered Ordinance 2012-01 entitled:

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE MUNICIPAL
CODE OF THE BOROUGH OF BAY HEAD, SO AS TO
AMEND CHAPTER 147, ENTITLED "LAND USE"**

Councilmember Barnes: There are three things in Chapter 147 which we are going to amend:

- 1. 147-6 Added language so that the height restriction does not apply to hedges presently in existence prior to January 1st of 2012. This was to iron out inconsistencies between this ordinance and the site triangle ordinance.**
- 2. 147-1 Swimming pools – we removed the provision that conflicted with our ordinance discussing impervious coverage. The section used to read you couldn't cover more than 45% but then we passed an impervious ordinance which stated 50% could be impervious so in order to iron out that inconsistency we are removing the 45% language**
- 3. 147-14 Signs – One directional sign will be allowed on the main through fare (Osborne, Bay, East, Bridge & Main Ave.) only on the day of the Open House and must be removed by sundown.**

Councilmember Barnes moved to approve this ordinance on first reading, which motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Barnes, Glass, Magory, Urner. NAYS: None. ABSTAIN: Green. (as per Ms. Cipriani an abstention with out a reason counts as a majority) A copy of this ordinance is attached to these minutes.

Councilmember Urner offered Ordinance 2012-02 entitled:

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR
VARIOUS CAPITAL IMPROVEMENTS AND RELATED
EXPENSES IN AND FOR THE BOROUGH OF BAY
HEAD AND APPROPRIATING \$305,000 THEREFOR
AND PROVIDING FOR THE ISSUANCE OF \$289,750**

**IN BONDS OR NOTES OF THE BOROUGH OF BAY
HEAD TO FINANCE THE SAME**

Councilmember Urner moved to approve this ordinance on first reading, which motion was seconded by Councilmember Green.

Councilmember DeFilippis: Item #6 – Twilight Lake Study – we asked for \$20,000 which is really a matching grant. If the Borough puts up \$20,000 and we are going to apply for a grant for an addition \$20,000 how do we show that?

Ms. Cipriani: It would not be shown on the Bond Ordinance. It shows only that portion which is being encumbered by the Borough.

The motion passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. 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 Barnes offered Resolution 2012-26 appointing Public Defender, Roberta A. Burcz, Esq. and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Barnes offered Resolution 2012-27 appointing Alternate Public Defender, Carmine R. Villani, Esq. and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Glass offered Resolution 2012-28 appointing John Neary, for Animal Control Services and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Barnes offered Resolution 2012-29 authorizing entry into an Agreement with Dynamic Testing Service and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Barnes offered Resolution 2012-30 awarding Peddler's License to Thomas Vaughan and Timothy McGee for the year 2012 and moved it be adopted. This motion was seconded by Councilmember Urner.

Councilmember Green: They all have background checks?

Chief Hoffman: Yes.

Councilmember Green: I am concerned with the idling and leaving the vehicle unattended to go and ring the bell at the platform.

The motion passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Urner offered Resolution 2012-31 authorizing the execution of 2012 Annual Software Support Agreement, Support Maintenance Services, and Hardware & System Software Support Agreement with Edmunds & Associates. Jen have you read this?

Councilmember Barnes: No, I have not. Has Jean read it?

Ms. Cipriani: I have not read this one this year but we have entered into this agreement previously.

Councilmember Urner: Is everything the same as it was last year?

Ms. Cipriani: Yes.

Councilmember Barnes: Some of the language really isn't favorable to us. I would rather that you write it.

Ms. Cipriani: I would suggest if you want to move forward amend the wording to be acceptable to the Borough Attorney. I will send to both departments before we send it over to Edmunds.

Councilmember Barnes: I would prefer that.

Councilmember Urner: I amend the resolution to read – “The Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, an agreement with Edmunds & Associates in a form acceptable to the Borough Attorney” and moved it be adopted.

This motion as amended was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember DeFilippis offered Resolution 2012-32 awarding a contract to Rex Steven Company, LLC for the construction of an ADA Ramp Improvements at the Municipal Complex and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Barnes offered Resolution 2012-33 moving the Bay Head School Board Elections from April to November and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Barnes offered Resolution 2012-34 supporting Municipal Enlistment in the Military Initiative and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Barnes offered Resolution 2012-35 authorizing the execution of a Fixed Price Agreement for State/Local Government Pricing for an annual subscription from Lexis/Nexis for Online Research Services and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Urner offered Resolution 2012-36 amending Resolution 2011-17 providing for salaries and compensation of the Police Department for 2012 and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Urner offered Resolution 2012-37 adopting the 2012 Temporary Emergency Appropriations #1 and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Urner offered Resolution 2012-38 approving Transfer #3 in the 2011 Municipal Appropriations Budget and moved it be adopted. This motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Urner offered Resolution 2012-39 adopting a Temporary Capital Budget #1 and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of this resolution is attached to these minutes.

Councilmember Urner: John is there any way we can change the timing on the Mount/Main and Bridge/Lake traffic lights in the winter months?

Councilmember DeFilippis: You asked me that question at the last meeting and I told you I would get you some information. We have had two studies conducted by Ocean County Engineering Department Traffic Control. They feel the lights are correct – if changed it would create a back up on Rt. 35 going north and south. I have their phone number if you like to try and change their mind.

Councilmember DeFilippis: For a little over a year we have been doing work on a project on Lake Avenue having to do with the reconstruction of the sanitary sewer system between Johnson Street and Bridge Avenue. We completed 98% last year and the results are reflected in the \$45,000 reduction in our sewer bill. We intend to do more streets with next being Rt. 35.

Mayor Curtis opened the meeting for Public Discussion.

Robert Hein, 204 East Avenue: Do we charge for use of Howe Park?

Councilmember Green: Do we do not.

Mayor Curtis: We are going to be improving the parks so we will be looking to see if we should charge down the road.

Mr. Hein: I know the Chief is always present but are there any trends or concerns that we should be made aware of?

Councilmember Green: If they inform me of anything I announce it.

Mr. Hein: I appreciate the ice cream truck drivers walking up to the beach to ring his bell instead of staying in the truck.

Councilmember Green: This has been discussed at length. Leaving the truck is a safety issue.

Mr. Hein: Could he serve from the right side of the truck on Osborne if he parked where the bike stand is.

Mayor Curtis: Chief, please have the Traffic Control Officer look into a solution for the ice cream truck and safety of the children on Osborne Avenue.

Ms. Susie VanSchoick, 111 Meadow Avenue: Thank you for the proposed change to the ordinance concerning realtor signs.

Stan Niedzwiecki, 42 Johnson Street: The traffic lights at the corner of Bridge and Lake are confusing with the hand signs for pedestrians. Maybe it can be looked into. Kate Shea – have they forked up any money for last year? This was their promise nine years ago.

Mayor Curtis: We have received more than what they promised in dollars and cents. I will see where it stands for last year.

Mr. Niedzwiecki: We give money to the Point Pleasant First Aid so why allow them to have their coin toss? They get a lot of money out of Bay Head.

Councilmember Green: We are very fortunate to have the volunteers in our community.

Mr. Niedzwiecki: Are the restroom facilities ready for employees after a weekend of use for a private event?

Mayor Curtis: The private groups do a good job clean up after themselves. The concern is the daily use in the summer.

Mr. Niedzwiecki: What is the \$150.00 fee for Edmunds for?

Ms. Cipriani: There is a \$150.00 per hour fee if they have to come in for service. The basic \$8,000 is for software.

Mr. Niedzwiecki: We need to keep our expenses down.

Mr. Niedzwiecki: The time of our meetings in the community section of the Ocean Star is wrong. We pay to publish the schedule as a legal advertisement – why is it picked up wrong?

Mr. Niedzwiecki: Is the Board of Education aware of your resolution to change the date of the election from April to November?

Councilmember Barnes: They are aware and in agreement with the change.

Mr. Niedzwiecki: The restoration of Route 35 – it has been 10 years and there is one excuse after another. I called an aide in Trenton and was told the project is caught up in permits between the DOT and DEP. We need to write letters to the DEP and the Governor.

Councilmember Green: I ask you to review the Governor's Barnegat Bay Initiative – He has signed four bills to protect the bay. The Environmental Commission hopes to have a town wide seminar on the new fertilizer rules this spring/summer.

There being no further comments Councilmember Urner moved to approve the vouchers for payment, which motion was seconded by Councilmember Glass 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.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor

