

May 7, 2012

The regular meeting of Mayor and Council of the Borough of Bay Head was held on May 7, 2012 at 7:00 PM in the Council Chamber 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, Glass, Magory and Borough Attorney, Jean L. Cipriani. Councilmember Barnes and Urner were absent.

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

Councilmember Glass moved to approve the regular and executive minutes of April 17, 2012. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: Green, Glass, Magory. NAYS: None. NOT VOTING: DeFilippis.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis introduced Peter Johner, Area Manger of Jersey Central Power & Light.

Mr. Johner distributed an information packet to the Governing Body. He also spoke on the significant changes that have been made within the company after hurricane Irene and the snow storm in October 2012. He stated the improvements being made are to allow better communications with customers during major storm events or other emergencies.

Councilmember Green: Are customers billed for loss of service?

Mr. Johner: No, they are only charged for usage.

Councilmember DeFilippis: Are there any benefits or compensation for business owners who lost merchandise in freezers?

Mr. Johner: If there is a long term outage customers can file a claim. We do not pay for acts of God. We urge all customers not to open refrigerators/freezers.

Ms. Cipriani: If the outage is due to maintenance failure – then you would pay?

Mr. Johner: All claims are investigated.

Councilmember Green: You had a number of subcontractors making repairs after Irene.

Mr. Johner: We have mutual assistance. During Irene and the snow storm we had eight different operating companies to draw from. We had over 1,000 crews working during the snow storm.

Mayor Curtis thanked Mr. Johner, and then opened the meeting to the public for comments or questions.

Stan Niedzwiecki, Johnson Street: Wouldn't it be better to have the lines underground?

Mr. Johner: The cost is much higher. Most utilities are overhead systems so you can see the problems quicker. It takes longer to locate problems underground.

Mr. Niedzwiecki: We called the 800 service when we lost power a few Sundays ago and received no information.

Mr. Johner: We take the automated system off in a major event. We are working with social media, radio and TV spots to let the public know what is going on.

Councilmember DeFilippis, Public Works: Tomorrow work will start on Route 35 from Johnson Street south to Strickland Street. A while back New Jersey Natural Gas Co. installed a new gas line on the southbound lane of Route 35. The disturbance in the roadway was only covered by a patch job. The DOT is requiring the gas company to make more permanent repairs to the roadway. Secondly we will also start the repaving of four streets (Strickland, Johnson, Chadwick, Mount) from Route 35 to East Avenue this week and hopefully will be completed by the end of May.

Mayor Curtis: If anyone has any questions please contact me on this roadwork.

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

Councilmember Glass, Public Safety, read the Police Activity report for the month of April and the Bay Head Fire Co. report for March and April. A copy of the report is attached to these minutes.

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

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

A request from Point Pleasant First Aid & Emergency Squad to conduct a Coin Toss on Bridge and Lake Avenue Saturday, June 9th and August 25th from 9 am to 4 pm

A request from John & Suzie Van Schoick to use Howe Park for their 50th wedding anniversary celebration on June 9, 2012. They request to put up a tent on Howe Park field adjacent to their property at 111 Meadow Avenue. The tent would be for overflow guests and possible bad weather.

A request from Project Graduation 2012 for Bay Head residents to participate in the Spring Town-Wide Garage Sale on Saturday, June 2nd with raindate Sunday, June 3rd and the Fall Town-Wide Garage Sale on Saturday, September 29th with raindate Sunday, September 30th.

Mayor Curtis called for Ordinance for Second Reading, Public Discussion and Vote.

Councilmember DeFilippis offered Ordinance 2012-05 entitled:

AN ORDINANCE TO ESTABLISH REQUIREMENTS FOR PRIVATE STORM DRAIN INLET RETROFITTING AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY WITH THIS ORDINANCE IN AND BY THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, NEW JERSEY

Councilmember DeFilippis moved the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Green.

Mayor Curtis opened the meeting to the public for a hearing on this ordinance.

There being no comments or questions the public hearing was closed.

The motion to adopt was passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory. NAYS: None. A copy of the ordinance is attached to these minutes.

Councilmember DeFilippis offered Ordinance 2012-06 entitled:

AN ORDINANCE TO ESTABLISH REQUIREMENTS FOR REFUSE CONTAINERS AND DUMPSTERS AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY

**WITH THIS ORDINANCE IN AND BY THE BOROUGH OF
BAY HEAD, COUNTY OF OCEAN, NEW JERSEY**

Councilmember DeFilippis moved the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Green.

Mayor Curtis opened the meeting to the public for a hearing on this ordinance.

Mr. Niedzwiecki: Can anything be added to that ordinance as to out houses?

Ms. Cipriani: No, not to this particular ordinance. You can have an ordinance that regulates port-a-potties in some way.

Mayor Curtis: We can look into it.

There being no further comments or questions the public hearing was closed.

The motion to adopt was passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory. NAYS: None. A copy of the ordinance is attached to these minutes.

Mayor Curtis called for Ordinances, First Reading.

Councilmember DeFilippis offered Ordinance 2012-07 entitled:

**AN ORDINANCE ESTABLISHING SALARY, WAGES
HOLIDAYS, SICK LEAVE, VACATIONS AND OTHER
BENEFITS OF EMPLOYMENT OF CERTAIN OFFICIALS
AND NON-UNION EMPLOYEES OF THE BOROUGH OF
BAY HEAD, OCEAN COUNTY, NEW JERSEY FOR THE
CALENDAR YEAR 2012 THROUGH 2015**

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

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

Councilmember DeFilippis offered Ordinance 2012-08 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 \$45,500 THEREFORE AND
PROVIDING FOR THE ISSUANCE OF \$43,225 IN BONDS
OR NOTES OF THE BOROUGH OF BAY HEAD TO
FINANCE THE SAME**

The motion passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory. 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 DeFilippis offered Resolution 2012-62 approving change order #1 in the amount of \$3,300.00 for an increase in the contract executed with Rex Steven Co., LLC for sidewalk extension and additional stone and fabric performed in the municipality and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Magory offered Resolution 2012-63 awarding Peddler's License for the year 2012 to Jonathan Davis as 2nd driver for License No. 2012-03 and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis opened the meeting for Public Discussion.

Suzie Van Schoick, 111 Meadow Avenue: Will the directional sign be revisited?

Mayor Curtis: You know what my thoughts are. It will be up to the Council.

Ms. Van Schoick: Thank you for approving our use of Howe Park.

Bob Heins, 204 East Avenue: I would again like to give a shout out to the Police Department. There was a hit and run accident on our corner, I called and they were there in minutes and able to locate the car in Mantoloking. What happened with the bulk pick-up date?

Mayor Curtis: There were some issues that necessitated the change. The new date of June 4th will be after the town wide garage sale on June 2nd and Memorial Day which will give summer residents time to place items out.

Joanne Pehlivanian, Western Avenue: What happened with the switch over from winter to summer schedule for garbage pick-up?

Mayor Curtis: We have a new route manager and there was a mix up with Monday being April 30th. The summer route started this week and will continue through September 30th. I would also like to remind everyone that cans should be located on the side or rear of your property and screened from the street. Those who continue to place bags out will receive a summons.

There being no further comments Councilmember DeFilippis moved to approve the vouchers for payment, which motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Glass, Magory. 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