

July 2, 2012

The regular meeting of Mayor and Council of the Borough of Bay Head was held on July 2, 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, Jean L. Cipriani.

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 Glass moved to approve the minutes of June 4, 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 reminded everyone that there would be two meetings in August, the 6th and the yearly Non-Voter Taxpayers Meeting on August 20th. He also asked everyone to stop feeding stray cats. The food is bringing other animals into town. Our Police Officers will be issuing summons to those leaving food out for stray cats.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Public Works: The work at the fire house is complete as is the work on Strickland, Chadwick, Johnson and Mount. We will be doing more roadwork in the fall. The addition to the BHIA building at public works is near completion at a cost of \$35,000.

Councilmember Green, Parks, Grounds and Recreation: I have a few items. We have received the Twilight Lake study which is a disposition of the lake. After review we will have to decide how we are going to move forward. I will report on it at the next couple of meetings. The summer recreation will begin July 9th through August 16th. Ms. Kiss and Lindsay Walker will be returning with two new hires joining them this year. They are very excited and looking forward to another great summer. We are working with a landscaper on the beach ends and this year our focus is on Bridge and Harris. The tennis courts are complete and everyone is enjoying them. Lastly, please give a friendly nudge to anyone you see who is not picking up after their dog and the same goes for litter.

Councilmember Barnes, Legal & Planning, had no report.

Councilmember Glass, Public Safety, read the Police Activity report for the month of June. A copy of the report is attached to these minutes.

She thanked Ptl. LaRue who responded to the gang issue in Mantoloking stating the investigation is on going. She also reminded everyone of the up coming Farmers Market to be held the 1st and 3rd Thursdays of the month located to the rear of the parking lot.

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

Councilmember Urner, Finance, had no report.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

An application for Special Permit for Social Affair from Bay Head Fire Co. No. 1 for an event to be held at the Bay Head Fire House on August 18, 2012

A request from Pop Warner Point Pleasant Golden Elks to use Howe Park on Wednesday and Friday evenings from August 1st thru November 30th from 5:30 to 8 pm

A request from Point Pleasant Soccer Club to use Howe Park on Monday and Thursday evenings from July 10th thru November 30th from 4 pm to dusk

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

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

Councilmember Urner offered Ordinance 2012-09 entitled:

AN AMENDMENT TO ORDINANCE 2012-07 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 2012 THROUGH 2015

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

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

Mayor Curtis: I have had a number of good reports on the Main Avenue crossing guard.

Bill Podurgiel, 45 Karge Street: This is a great idea. I spoke to her last weekend and was told there was a crossing guard twenty years ago. I would like to see one full time at Howe & Karge on the weekends.

Councilmember Green: Mayor, is there any funding to help?

Mayor Curtis: Great idea – we will 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, Barnes, Glass, Magory, Urner. NAYS: None. A copy of the ordinance is attached to these minutes.

Councilmember Urner offered Ordinance 2012-10 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 \$51,700 THEREFORE AND
PROVIDING FOR THE ISSUANCE OF \$49,115 IN BONDS
OR NOTES OF THE BOROUGH OF BAY HEAD TO
FINANCE THE SAME**

Councilmember Urner 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 passes on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Urner. NAYS: None. A copy of the ordinance is attached to these minutes.

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember Green offered Resolution 2012-78 rejecting all bids received for vacuum cleaner/sewer jet.

Councilmember Green offered Resolution 2012-79 appointing Riley T. Lyons as Assistant Summer Recreation Program Coordinator.

Councilmember Green offered Resolution 2012-80 appointing Giovanna L. Barba as Assistant Summer Recreation Program Coordinator.

Councilmember Barnes offered Resolution 2012-81 requesting the Director of the Division of ABC to act upon the request of Seaurtis, Inc., T/A Central Market, for Renewal of its Liquor License.

Councilmember Urner offered Resolution 2012-82 authorizing refunds for overpayments of property or sewer taxes.

Councilmember Urner offered Resolution 2012-83 amending Resolution 2012-75 providing for salaries and compensation of Borough Officials and Employees for 2012.

Councilmember DeFilippis offered Resolution 2012-84 authorizing entry into a Shared Services Agreement with Brick Township Municipal Utilities Authority for Phase II of the Provision of certain services along Route 35.

Councilmember Magory offered Resolution 2012-85 authorizing the refund of an overpayment for a rental CO.

Councilmember Green offered Resolution 2012-86 authorizing the acceptance of an anonymous \$500 donation for the replacement of trees along Lake Avenue and Twilight Road.

Councilmember Urner offered Resolution 2012-87 authorizing the Declaration of an Emergency for legal expenses arising from the Municipal Excess Liability Joint Insurance Fund Public Officials Liability retention and coinsurance invoice.

Councilmember Urner offered Resolution 2012-88 approving the 2011 Municipal Audit – Corrective Action Plan.

Councilmember DeFilippis moved the above resolutions be approved. 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: I sent a letter a year ago to Ms. Yezzi, the Tax Collector. Has my issue been resolved?

Councilmember Magory: I did take a look at your entire file. The bill is for not paying on time and unfortunately according to State statute – you are responsible to find out what is owed. The statute is written to treat everyone the same.

Mayor Curtis: The question Mr. Brown has is there a way the Council can recommend to finance to pay it back due to the bill in the first place.

Mr. Brown: I was relying on a letter from the Borough's Tax Collector. She didn't mail to me what she agreed to do. I was relying on good faith.

Councilmember Magory: She can't give you addition time.

Ms. Cipriani: I am not familiar with the timing. I do know the statute is unforgiving. The Tax Collector can't extend the time. If you would like I can look into it.

Councilmember Magory: This has to do with a tax appeal.

Mayor Curtis: Jim, Brian why don't we have Jean look into it to see if Council has the ability to adjust the payment.

Councilmember Magory: I have investigated the matter and I would be willing to speak with you.

Ms. Cipriani: The question is if you choose to or if you may authorize a refund – I answer the may.

Mayor Curtis: Would you look into the may.

Mr. Brown: At the conclusion of the consultation I would like a letter back.

Mr. Podurgiel: I am happy to see the dock on Karge Street is being repaired. How do we stand on the emergency call system?

Councilmember Barnes: The system is up and running. I will give the information to the reports tonight so that it can be published. The information as to how to register will go in a mailing and be posted on our web site.

Councilmember Green: What will those without a computer do?

Councilmember Barnes: They can come to Borough Hall for help. We will also get a list of those who don't register so the Police can reach out to them in case of an emergency.

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.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor

