

December 7, 2009

The regular meeting of Mayor and Council of the Borough of Bay Head was held on December 7, 2009 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 with him in the Pledge of Allegiance to the Flag.

The roll was called for attendance. Present were Mayor Curtis and Councilmembers Green, Glass, DeFilippis, Urner. Councilmember Berko arrived at 7:18 pm. Councilmember Barnes was absent.

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 regular minutes of November 2, 2009. The motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Green, Glass, DeFilippis, Urner. NAYS: None.

Councilmember Green moved to approve the executive minutes of November 2, 2009. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Green, Glass, DeFilippis, Urner. NAYS: None.

Mayor Curtis called for Report of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: The beaches have be impact by the cycle of northeasters in October and November. The beaches are very bad, most of the toe of the dune was lost. Private property owners lost stairs as well as decks. The stairs at the street end of Mount and Johnson were damaged. Everyone is concerned but many towns were impact for worse than Bay Head. We have submitted a report to the Federal Emergency Management on our loss. I am working with Mayor Curtis, Bart Petrillo our Dune Inspector and Tom Gage, President of BHIA. We have documented the damage with photos. We are thinking about going forward in restoring the beach but nothing can be done right now. One homeowner did push who had been severely impacted and the beach was in a condition that the push was allowed. We are keeping on top of the issue. Typically a push is not done in the winter. We wait until spring when the sand returns. I want to say thank you to the residents of the beachfront for your patience. The dune system held and except for North Street the ocean didn't break through. As to the boats at the north end of Twilight Lake, many

have been taken away and we are asking that the others be removed. A permit will be issued to boat owners in the spring prior to the boats being placed back.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Glass read the Zoning Officer Report and Construction Official for October and November. A copy of the report is attached to these minutes.

Councilmember Glass, Public Safety, read the Police Activity Report for the month of November. A copy of the report is attached to these minutes. I would also like to thank the Bay Head Police Department and the Bay Head Fire Company for their help with Christmas in Bay Head. Everything went well.

Councilmember DeFilippis, Public Works, stated he would give his report under unfinished business.

Councilmember Urner, Finance: We have held several meetings on finance for 2010 and we are pretty close to firming up our capitol budget. We are working on our operating budget. The papers are reporting anticipated cuts to municipalities from the State but we will not be affected.

Mayor Curtis called for Ordinances, First Reading.

Councilmember Berko, after discussion and amendments to, offered Ordinance 2009-11 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 204 OF THE BOROUGH CODE ENTITLED "SOLID WASTE"

Councilmember Berko moved to approve this ordinance on first reading, which motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis, Urner. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Unfinished Business.

Councilmember DeFilippis: I move we stripe Lake Avenue for parking. Parking will be stripped the entire length on both sides, except for the west side between Bridge Avenue and Howe. The center line will not be striped. I would like to open this for discussion. I would like to move this project. The width of the parking space will be 7' 3" and each lane will be 9' 3". Councilmember Glass seconded the motion.

Councilmember Green: Will parking be allowed on both sides?

Councilmember DeFilippis: Yes.

Councilmember Berko: What is the standard minimum requirement for a lane?

Councilmember DeFilippis: Eleven feet.

Councilmember Urner: Does the stripping of parking spaces increase or decrease the number of cars that can park there presently?

Councilmember DeFilippis: Prior the entire length of Lake Avenue was not stripped. Without the stripping the police can't issue a summons.

Councilmember Urner: Are there any yellow curbs or yellow strips on the road?

Chief Grace: Yes, there are yellow curbs.

Councilmember Green: Is there a plan to strip every street in town?

Councilmember DeFilippis: No.

Councilmember Urner: I like leaving it the way it is with no stripping.

Councilmember Berko: I am concerned with the width of the street, it is narrow enough as it is now with stripping the parking spaces.

Councilmember Green: If it is not consistent through the town.

Mayor Curtis: The business community has marked parking.

Councilmember Green: I am pleased that no parking has been taken away from either side of the street.

Councilmember Urner: Parking has been taken away from Mount Street when the stripping was done. With the length of the spaces being 22 feet we may be taking away some spaces.

Chief Grace: You will probably lose two or three spots. The ordinance was only passed at the last meeting to require parking with the box. Maybe the hash mark can be omitted.

Councilmember Urner: It could always be added later.

Councilmember DeFilippis: You would lose more parking spaces if there is not the hash mark.

After no further comments or questions the motion passed on roll call vote as follows: YEAS: Green, Glass, DeFilippis. NAYS: Berko, Urner.

Councilmember Berko requested Ms. Cipriani to prepare a Resolution on the stripping of Lake Avenue which would be memorialized at the next meeting.

Mayor Curtis called for New Business and Resolutions.

Councilmember DeFilippis offered Resolution 2009-100 authorizing entry into a Shared Services Agreement with Brick Township Municipal Utilities Authority for design and construction management services and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Berko offered Resolution 2009-101 appointing representative and alternate representative for CDBG and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember DeFilippis offered Resolution 2009-102 authorizing the acceptance of a Recycling Mini-Grant in the amount of \$7,000.00 from Ocean County and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2009-103 approving a disable veteran exemption for Block 52, Lot 8 and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2009-104 authorizing a transfer in the 2009 Municipal Appropriations Budget and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember DeFilippis offered Resolution 2009-105 awarding a contract to Gavan General Contracting, Inc. for the Bay Head Reading Center door renovation and moved it be adopted. This motion was seconded by Councilmember Urner.

Councilmember Green: Do you have a schedule on the project?

Councilmember DeFilippis: We will have a preconstruction meeting. I would like to have in completed within the next couple of months. We will then contract for the siding.

Councilmember Green: Will the siding be going into the spring?

Councilmember DeFilippis: Three weeks from the start.

Councilmember Berko: Will something also have to be done with the ramp?

Councilmember DeFilippis: The grade won't change. There will be some railing of sorts.

Councilmember Green: Will the reading center be open during the construction?

Councilmember DeFilippis: It can be.

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

Mayor Curtis opened the meeting for Public Discussion.

Joe Goryeb, 345 East Avenue: Councilmember Green, I thank you for your comments as to the state of the beaches and I appreciate your thoughts on it. We can be patient and wait but there is no sand at the present time and it is scary for homeowners. I understand we are waiting to hear back from FEMA.

Councilmember Green: We will keep you informed. State money will be available for those towns that had beach renourishment.

Ms. Cipriani: The state is part of the distribution. It goes to towns as per need.

Mr. Goryeb: Where do we stand in this process?

Ms. Cipriani: It could take up to two months after an event for a determination to release funds is made.

Councilmember Green: The report was filed.

Cory Silverstein, 353 East Avenue: I am new to the beach, what are the options besides the push of sand?

Councilmember Berko: Are you aware of the sea wall? The entire wall was visible after the 1992 storm, which was much worse than this.

Councilmember Green: FEMA funds are only for public property. We understand your frustration. The only thing to do now would be to push sand but there is no sand to push. We are hopefully fencing may come in as part of what can be done now.

Councilmember Urner: The huge rock face is 99% of your protection.

Tom Gage, 49 Twilight Road: The 1962 storm was twice as bad as the 1992 storm. This one didn't even touch it. There is not much that can be done except to wait for mother nature. The rock wall runs from Karge to Johnson and the best protection that you could have. We are all working together and notification will be mailed so that we can coordinate all homeowners as to a push in the spring or sooner if possible.

Councilmember Berko: You might want to investigate reef balls and plastic dune fencing.

Stan Niedzwiecki, 42 Johnson Street: I would like you to take a look at the sidewalk situation. I have discussed the issue with Bart and he issues warning and when nothing is done he issues a summons. People don't care about paying the fine, I need your help. Maybe you could bring in public works to cut back the overgrowth and bill the homeowner. I am surprised that we don't have an ordinance to cover this.

Councilmember Berko: We are working on an ordinance that will cover everything that concerns you.

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: Berko, Green, Glass, DeFilippis, Urner. NAYS: None. A list of the vouchers is attached to these minutes.

Councilmember Berko offered the following Resolution to go into executive session.

**RESOLUTION OF THE BOROUGH OF BAY HEAD
OCEAN COUNTY, NEW JERSEY EXCLUDING THE
GENERAL PUBLIC FROM A MEETING PURSUANT
TO THE OPEN PUBLIC MEETINGS ACT**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 19:4-12, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bay Head, in the County of Ocean, State of New Jersey, as follows:

- 1. The public shall be excluded from discussions of and actions upon the hereinafter specified subject matter.**
- 2. The following subjects involve matters of attorney/client privilege:
 - a. Personnel****
- 3. It is anticipated that the matter discussed will be made public within sixty (60) days.**
- 4. This Resolution shall become effective immediately.**

Councilmember Berko moved this resolution be approved. The motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis, Urner. NAYS: None.

The Governing Body went into Executive Session at 8:38 pm. At 8:56 PM the Governing Body came out of Executive Session and resumed the regular meeting.

There being no further business the meeting was adjourned.

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

William W. Curtis, Mayor