

**August 17, 2009**

**The regular meeting of Mayor and Council of the Borough of Bay Head was held on August 17, 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 Councilmember Berko, Green, Barnes, Glass, DeFilippis, 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 Barnes moved to approve the regular minutes of August 3, 2009. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Councilmember Glass moved to approve the executive minutes of August 3, 2009. The motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Mayor Curtis made the following appointment:**

**Marc D. Potter, SLEO Class II  
Robert John Tobias, SLEO Class II**

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

**Councilmember Green, Parks, Grounds and Recreation: The Bay Head Summer Recreation program concluded last Thursday. It was a great program with 40 to 50 attendees daily. I would especially like to thank Callie Yaeger. She did a great job as coordinator and attended as a child herself. She is quite professional and is a teacher. The others who helped and are also teachers or aspiring teachers are Melissa Lehto, Corinne DiCorcia and Kelsey Robertson. The program was very successful and a survey will be sent to those who attended and also posted on the website. We are always looking for ways to improve the program. Secondly, I would like to remind everyone that the Environmental Commission is hosting their final Timely Topic this Thursday hosted by Clean Ocean Action on LNG Island, a discussion**

regarding the proposed man-made islands to be built off our coast to store Liquid Natural Gas. This will be a very important presentation and I especially invite Mayor and Council to attend. Thirdly, we have received a letter concerning the huge number of boats left at the north end of Twilight Lake. Some are used and some have been abandoned. If you have a boat there and it is not being used please remove it by November 1. I am still working the Bart Petrillo and Chief Grace and maybe next year we will have the boats registered prior to being placed there.

Councilmember Berko arrived at 7:13 pm.

Councilmember Barnes, Public Services: The voting on Lake Avenue will close on September 1. The results will be tallied and announced on September 21<sup>st</sup>. Please be mindful of shrub overgrowth along the sidewalks and trim them back.

Councilmember Green, Public Services: The annual Clam Bake was held Saturday. There was a nice turnout and the firemen did a wonderful job.

Councilmember DeFilippis, Public Works: I would like to review the proposed projects for this fall. The relining of the sanitary sewer line from Johnson to Bridge will start early September and be completed by the end of October. This operation will prevent water intrusion into the sanitary sewer system. Secondly, We will be taping the sanitary sewer lines from Osborne Avenue to the Mantoloking line on Main Avenue (Route 35) and to repair those lines prior to the DOT work which is scheduled to start late 2010. Thirdly, we will begin refurbishing this building starting with the AC ducts, replacement of ceiling tiles. This project will be completed with six months to a year. We have funds in the 2009 budget but will be continues to the 2010 budget. Fourthly, Egbert Street will be completely regrade and resurfaced from the ocean to the bay. Fiftly, we are starting the preliminary design on Park Avenue, especially where it meets Bridge Avenue. We are trying to get the County in on this project since Bridge Avenue is a county roadway. 6. The Reading Center is in need of a whole new front. We are received a CDBG grant to make it handicapped accessible and with that the whole front will be replaced with cedar shakes. We are getting bids from architect and we will start before the end of September.

Councilmember Urner, Finance: We will start this week working on the 2010 Budget. We are starting with the Capitol Budget.

Councilmember Berko, Legal and Planning, had no report.

Mayor Curtis announced the Non-Voter Taxpayer meeting to be held Wednesday, August 19<sup>th</sup> 7:30 pm in the Council Chambers.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered a request from Bay Had School to hold a parade in honor of "Sea Week" on Friday, September 25, 2009.

**Councilmember Urner moved to approve the request which was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Mrs. Applegate offered an application from the Bay Head Fire Co. #1 for Special Permit for Social Affair to be held at the Bay Head Yacht Club on November 14, 2009. Councilmember Green moved to approve the application which was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis. NAYS: None. ABSTAIN: Urner.**

**Mayor Curtis called for Unfinished Business.**

**Councilmember Green: The Beautification Committee was created to give recommendations to Mayor and Council. A letter dated August 17, 2009 and addressed to Mayor Curtis signed by Betty J. Holmes, Chairperson was read.**

**The purpose of this letter is to recommend an aesthetic alternative to the orange “looper tubes” presently used on Bridge Avenue to demarcate “no parking” spaces.**

**The Bay Head Beautification Committee has reviewed several options but with the input and suggestions from the Borough’s Police Chief, Charles Grace, and the Manager of Public Works, Chip Tillson, we are recommending replacing the “looper tubes” with yellow reflectors to be attached to the present No Parking signposts. These reflectors will further highlight the No Parking signs and reinforce the elbow painted curbs and the spaces marked with an “X”.**

**We have reviewed this suggestion with several members of the Business Association and they concur with this recommendation.**

**This may seem to be a small step in enhancing the beauty and charm of Bay Head but, after all, it is the sum of a lot of small parts.**

**Councilmember Berko: Do you think the yellow curb and reflective strip on the sign will stop them?**

**Councilmember Green: This should wait until after Labor Day and the Chief has said they will keep an eye out and issue tickets if people park there. The one post pasted the parking lot is dangerous because you have to back up to park in that space.**

**Chief Grace: When they were removed to snowplow – people did park there.**

**Council discussed the area in reference to the driveways and crosswalk.**

**Councilmember Green asked that the recommendation from the Beautification Committee be considered.**

**Councilmember Barnes: What is the situation with the rabid raccoons?**

**Chief Grace:** We have had no calls for a week. A couple have been destroyed and a couple taken away.

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

**Councilmember DeFilippis** offered Resolution 2009-80 authorizing Ocean County Recycling Center Use and Revenue Sharing Agreement between the Borough of Bay Head and the County of Ocean and moved it be adopted. This motion was seconded by Councilmember Green.

**Councilmember DeFilippis** stated the Borough will get 60% and the County will keep 40%.

**Councilmember Barnes:** Is there room for negotiations to keep a greater percentage?

**Councilmember DeFilippis:** No.

**Councilmember Barnes:** I would like to see us keep all the percentage.

**Councilmember Green:** Thanks to John our recycling center is a model to follow. The recycle center grew out of community effort – Anne Ryan, Peter Bockius, before it was mandated to recycle.

**Councilmember DeFilippis:** I would like to thank Anne Ryan for the donations of books from the library she works at. Last week we picked up two truck loads. The soft covered books are shipped to our troops in the Middle East.

**Councilmember Barnes:** You stated that we collect 60% of the proceeds but the Resolution states the split is 50/50.

**Councilmember DeFilippis:** I have a letter which stated we collect 60%.

**Councilmember Barnes:** We can't vote on the Resolution until the percentage is resolved.

**Councilmember DeFilippis** withdrew his motion and Councilmember Green withdrew her second to the motion.

**Councilmember DeFilippis** offered Resolution 2009-81 authorizing the execution of a Subrecipient Agreement with the Board of Chosen Freeholders of the County of Ocean in connection with the Community Development Block Grant to be used for Handicapped Access to the Public Library and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

**Councilmember Glass** offered Resolution 2009-82 approving the appointment of Marc D. Potter and Robert John Tobias as Special Law Enforcement Officer, Class II and moved it be adopted. This motion was seconded by Councilmember Barnes and passed on roll call vote.

**YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**  
**A copy of the resolution is attached to these minutes.**

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

**Brian Magory, 1510 Bay Avenue: I reside on Bay Avenue and read in the Ocean Star the discussion about the garbage. I have lived here for nine years and no one has ever gone in my rear yard to collect my garbage. I place the garbage out by my gate. I don't leave it in the back yard because the raccoons come in and turn the cans over and make a mess. I have a pool in my back yard and I don't want the gate open. I place the cans out in front of my gate and return after they have been emptied. What is the procedure if we see a raccoon? I think it is reasonable that my garbage is put in the front of my gate.**

**Mayor Curtis: The reason why it was discussed is to notice people not to put their cans or bags of garbage out at the curb. We asked the new collectors if around town they saw this issue and they stated on Bay and Osborne. We have an ordinance which requires garbage to be in the side or rear yard and we pay our collector for this service. That is what we were reacting to but we should take a look at it.**

**Councilmember Green: Have we made any progress with New Jersey Transit concerning the raccoons?**

**Mayor Curtis: They have been made aware of the problem. Brian, we do appreciate your comments.**

**Michelle Bielski, 1520 Bay Avenue: We may have put the garbage out to the curb. Our neighbors have told us not to and I do apologize. The reason we don't leave it behind the gate is that we aren't always there. If we are there and have garbage we place it in front of the garage.**

**Mayor Curtis: You might want to talk to the driver and explain to him.**

**Michelle Shea, 1500 Bay Avenue: I have a five year old daughter and a dog so I have safety issues in leaving my gate open. I also keep my garbage in my garage and only place it out the night before because of the raccoons.**

**Joanne Pehlivanian, 332 Western Avenue: I remember when the ordinance was before Council and I stated at the time that I put my garbage out every pick up day at 7 am because of the raccoon problem. We back up to the loop just as the residents on Bay and Osborne. Maybe we can revisit the ordinance.**

**Councilmember Berko: The ordinance states the cans should not be visible from the street. They should be located in the side or rear yard.**

**Councilmember Barnes: I am in favor of revisiting the ordinance.**

**Mike Kaschak, 229 Evergreen Drive: I have a trailer on my property to haul cargo. I understand the ordinance allows boat trailers. Would you**

**consider revisiting the ordinance to also include trailers which are used for recreational purposes?**

**Mayor Curtis: We will come out and take a look.**

**Ms. Bielski: I have a suggestion for Lake Avenue. Put a stop sign at every street.**

**Councilmember Green: I welcome the idea.**

**Mayor Curtis: We will take all comments and address every issue.**

**Fred Applegate, 190 Grove Street: Is the Council going to act on the Resolution?**

**Mayor Curtis: We need some questions answered. We will take a look at it and do what is appropriate.**

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