

October 4, 2010

The regular meeting of Mayor and Council of the Borough of Bay Head was held on October 4, 2010 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, Barnes, Glass, DeFilippis, Urner and Borough Attorney, Jean L. Cipriani. Councilmember Berko arrived at 7:20 PM.

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 minutes of September 7, 2010. The motion was seconded by Councilmember Green and pass on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: Mayor's Wellness Committee had a terrific event on Saturday. It was very successfully produced, well attended and an exciting day. It was a great launch for the Mayor's Wellness campaign within the community. The committee is terrific and we couldn't be more thankful for a group of very committed people. I would also like to thank the Bay Head School, Home and School officers and the Bay Head School Foundation for sharing their day with us.

Mayor Curtis: We also had a dinner the night before and it was wonderful. Theresa's South sponsored a dinner for runners, school children and parents. It was well attended with over seventy people and the food was magnificent. Kudos to Theresa's South for doing that free of charge.

Councilmember Barnes, Public Services, read the Zoning Officer report and the Construction Official report for the month of September. A copy of the report is attached to these minutes. The Borough has selected the new telephone communications vendor and we will be getting all new phones, and updating the entire system which will provide voice mail and caller ID. Secondly the Borough offices are now wireless and the password is protected so it is not open to the public.

Councilmember Glass, Public Safety, read the Police Activity report for September and the Bay Head Fire Company No. 1 report for the month of August and September. A copy of the report is attached to these minutes. I would like to thank the Police for all their help with the weekend happenings and that we are looking forward to the Halloween Parade.

Councilmember DeFilippis, Public Works, had no report.

Councilmember Urner, Finance: Finance is in the process of trying to wind it's way through all the new rules and regulations promulgated by the State in terms of the 2%, Tools Kits etc. It will take some time and has been in progress for a month or so. There was a Best Practices Checklist sent out by the Governor's office to make sure that everybody was following the best practices in the State. In order to get State Aid you have to get somewhere between 95% and 100% on the questionnaire. I am happy to report we missed the 100% number by two no votes. We will receive approximately \$130,000 in State Aid and we will get 99% of that and will miss out on about \$1,300 because of this questionnaire. All are in the process to be fixed for next year and I doubt that we will miss the 100% mark next year.

Councilmember Berko, Legal and Planning, had no report.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

An application for On Premise Raffles License from Deborah Hospital Foundation Point Pleasant Chapter for monthly drawing for the monthly meetings in 2011 at 604 Lake Avenue

An application for On Premise Raffles License from All Saints Women's Guild for November 13, 2010 at All Saints Church, 500 Lake Avenue

Request from Bay Head Business Association for the annual Halloween Parade to be held Sunday, October 24th from 11:30 am to 1 pm

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

Mayor Curtis called for Unfinished Business.

Councilmember Berko: Question for our attorney. In dealing with the sign ordinance recently I think we have the person who is supposed to give permission for certain exceptions to the ordinance such as temporary directional signs for charity events wrong. It presently states the Construction Official and it should read the Zoning/Code Enforcement Officer. To change Construction to Zoning do we have to do that by ordinance?

Ms. Cipriani: Yes, you do.

Councilmember Berko moved that the Governing Body temporarily authorize the Zoning Officer as the proper person for 147-14 Section 4 and 6 part a. The motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Councilmember Berko: My wife told me that this morning someone working as a third party for the water company came to change the meter and needed to get into our crawl space and they had no picture identification nor was the truck marked.

Councilmember Glass: The person who came to my door did have a picture ID and the van was marked. I will contact the water company.

Councilmember DeFilippis: Most of our work is done in two parts, some in the spring and some in the fall. We do not plan any work in the summer months. The video taping of all sanitary lines underneath Route 35 from Strickland Street to Osborne Avenue has been completed. Analysis will begin later this week. The remediation of Park Avenue is underway. We have lost a number of days to the weather. Fuel tank replacement at public works will begin sometime next week. We will be removing the in ground tanks and replacing with above ground tanks. This project should be complete mid to the end of November. The lighting in Centennial Park will be started by the end of October and finished by the end of November. The Reading Center entrance is complete and the residing will be complete by the end of November. The relining of sanitary sewer lines on Lake Avenue between Johnson Street and Bridge Avenue should begin next week.

Mayor Curtis called for New Business and Resolutions.

Councilmember Glass offered Resolution 2010-97 authorizing a Shared Services Agreement between the Borough of Bay Head and the County of Ocean for the FY 2011 State 966 Reimbursement Program 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.

Councilmember Urner offered Resolution 2010-98 requesting approval of items of revenue and appropriation NJSA 40A:4-87 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 Urner offered Resolution 2010-99 authorizing refunds for overpayments of property or sewer taxes and moved it be adopted. This motion was seconded by Councilmember DeFilippis 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 Urner offered Resolution 2010-100 requesting approval of items of revenue and appropriation NJSA 40A:4-87 and moved it be adopted. This motion was seconded by Councilmember Green 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 recused himself from Resolution 2010-101.

Councilmember Berko offered Resolution 2010-101 authorizing and approving a Place to Place Liquor License transfer application and activation of a pocket license to And Bottles Too, Inc. 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 Barnes offered Resolution 2010-102 awarding a contract to Carroll Communications, Inc. for the purchase of communication equipment 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.

Mayor Curtis opened the meeting for Public Discussion. No one came forward.

Councilmember Urner moved to approve the vouchers for payment, which motion was seconded by Councilmember Glass 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.

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

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, 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 an actions upon the hereinafter specified subject matter.**
- 2. The following subject involve matters of attorney/client privilege:**

**Personnel – Clean Service
Potential Litigation**

3. It is anticipated at this time the above stated subject matter will be made public in thirty days.
4. This Resolution shall become effective immediately.

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

The Governing Body went into Executive Session at 7:36 pm. At 7:53 pm the Governing Body came out of Executive Session and resumed the regular meeting.

Mayor Curtis: I would like to remind all Council members that all legal questions should be filtered through Councilmember Berko. The same goes for all departments – any questions should go through the Chairman of the Department. This will help control costs when more than one Councilmember contacts the attorney or auditor with the same question.

Councilmember Berko: If you have something to go to Jean just e-mail me and I will pass it along.

Mayor Curtis: We have two issues to discuss – line of site ordinance and the garbage ordinance.

The Governing Body discussed, in detail, existing ordinance covering line of site, hedges, shrubs, trees, fences and the enforcement of same.

Councilmember Berko directed Ms. Cipriani to draft an ordinance amending the site triangle to thirty feet with three foot height limit allowing trees less than one cubic foot.

Mayor Curtis: The second topic is garbage – do we want to change it or leave it as is.

The Governing Body discussed the existing garbage ordinance, specifically addressing the section stating that it must be placed from public view and enforcement of the ordinance.

Councilmember Berko: If garbage is placed in the front yard it needs to be enforced.

There being no further discussion the meeting was adjourned.

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

William W. Curtis, Mayor

