

**November 1, 2010**

**The regular meeting of Mayor and Council of the Borough of Bay Head was held on November 1, 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 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 Jean Cipriani, Borough Attorney. Councilmember Berko arrived at 7:15.**

**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*.**

**Mayor Curtis: I would like to do something that is important to me and hopefully everyone in Bay Head will appreciate it. This town is many, many year's old, well over 100. We are still a viable community. We are very luck to have a tremendous police force and fire company and most of all tremendous citizens. During the 100 and some years that this town has been incorporated it has been led by some very, very honest and courageous men and I must say men at this point in time. They have never been recognized in my tenure here and if you go to other Council rooms in other towns you will always see a list of those who have served the community. I would like to present to the town of Bay Head the "Bay Head Mayors" plaque. He invited former Mayor Arthur Petracco, Betty Hurley wife of former Mayor Michael Hurley, John and Lynn Robertson, son and daughter of former Mayor William Robertson and Jerry Chesterman, son of former Mayor Fred Chesterman forward for a photo.**

**Councilmember Barnes moved to approve the regular and executive minutes of October 4, 2010. The motion was seconded by Councilmember Glass and passed 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: After a long wait the renovated and additional new playground has been installed and it looks great. We have renovated the main part of the playground which is for 5 to 12 year olds and added an area for 2 to 5 year olds. It**

is all handicapped accessible and perhaps most importantly the drainage issue has been addressed. I would also like to thank John DeFilippis for organizing the new lights in Centennial Park, they are beautiful. Lastly, the dune grass will be available this weekend for beach front residents. If anyone is interested in planting dune grass at street ends they are more than welcome to join us, just give me a call.

Councilmember Barnes, Public Services, read the Zoning Officer report and the Construction Official report for the month of October. A copy of the report is attached to these minutes. I have three other items. The new phone system is up and running. We have entered the 21<sup>st</sup> century with voice mail and caller ID. We are also looking into getting Lexus Nexus which is an on line legal research tool that John and I can use to expedite research with regard to ordinances and other things that may arise. Lastly, with the help of Stan Niedzwiecki we are looking to improve the aesthesis of the business district. We are looking to put gas lamps in, banners on utility poles, something to enhance the business district. Anyone who would be willing to assist with that venture please see me after the meeting.

Councilmember Green: Have you engaged the Business Association?

Councilmember Barnes: Not yet but I will be reaching out to them.

Councilmember Green: There are a lot of people who have a lot of ideas and are keen to do it. The Sustainable Jersey Green Team in town has a business community component to that so I would ask that you reach out to them as well and I can give you contact information.

Councilmember Glass, Public Safety: First, I would like to thank D'Arcy and her team for the playground. As a grandmother I definitely appreciate it and I know that my little ones love it. She read the Police Activity report for the month of October. A copy of the report is attached to these minutes. I would also like to thank the Police for a safe Halloween.

Councilmember DeFilippis, Public Works: I would just like to summarize what has been going on over the last couple of months, the projects we have completed and those we are still working on. All of Park Avenue has been repaved, reconditioned, and a number of new storm drains have been installed. That project is now complete. So we now have a new road from Bridge Avenue to Bay Avenue and that was done by grant money. The public works driveway which had to be completed rebuilt because it had collapsed with the weight of the trucks. Extensive drainage work was also done to correct the serious drainage issues. Part of the reconstruction of the entrance way was to satisfy an agreement we made with DEP regarding our new fuel tanks. In that same general area between the entranceways we will be installing our above ground fuel tank. Tomorrow they will be pouring concrete for the tank and hopefully the project will be complete by the end of November. We will then remove the underground storage tanks. The lights have been installed in Centennial Park and they have a dual purpose to house a security system which will be monitored by the Bay

**Head Police Department. The library at the Recycle Center is complete with the installation of curbs. Flowers will be planted. The library was constructed by our public works employees. Lastly, the Bay Head Reading Center is complete with the installation of cedar shakes.**

**Councilmember Urner, Finance, had no report.**

**Councilmember Berko, Legal and Planning, had no report.**

**Mayor Curtis called for Clerk's Correspondence.**

**Mrs. Applegate offered a request from the Bay Head Business Association for their annual Christmas in Bay Head celebration December 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup>. Councilmember Berko moved to approve the request. 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. There was none.**

**Mayor Curtis called for Ordinance, First Reading.**

**Councilmember Barnes offered Ordinance 2010-15 entitled:**

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING  
AND SUPPLEMENTING THE MUNICIPAL CODE OF THE  
BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER  
183, ENTITLED "PROPERTY MAINTENANCE"**

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

**Mayor Curtis: Councilmember Urner, I would like to hold up Ordinance 2010-16 plus the two other ordinances that were delivered tonight and discuss them in executive session prior to introduction.**

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

**Councilmember Urner offered Resolution 2010-103 authorizing refunds for overpayments of property taxes or sewer payments 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 DeFilippis offered Resolution 2010-104 authorizing the execution of an agreement with the County of Ocean in connection with the Community Development Block Grant Program 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 2010-105 authorizing the transfers in the 2010 Municipal Budget 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 DeFilippis offered Resolution 2010-106 approving a change order in the amount of \$12,435.00 for an increase in the contract executed with C. J. Hesse, Inc. for the road improvements done in the municipality and moved it be adopted. This motion was seconded by Councilmember Urner 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: If you haven't been down to the museum in Loveland Town, the WW II exhibit, I urge you strongly to do so. We have Veteran's Day coming up and think it is appropriate to attend that or any other veteran's event. You really need to go down and see the exhibit, it is marvelous.

Mayor Curtis: I would like to remind everybody that this Saturday at 11 am in Scow Ditch Park, where the Blue Star Memorial is, we will be holding our annual Veteran's Day Celebration. I do urge you to come out. The veteran's mean so much to us and to everybody in this country, especially today. We do have some representatives of Bay Head currently serving in the service. Our hearts and prayers and thoughts are with them and we admire them for what they do. So come out and help us celebrate that beautiful day. I also want to say that next year 2011 the service will be on Veteran's Day at 11 am.

Councilmember Berko: As of this morning, I went down Evergreen and almost every house has their garbage out front. There are still a number of houses on the beach with no dune fencing. There is a realtor sign on Bridge Avenue that is sticking out a foot into the sidewalk. There are a number of properties on East Avenue with overgrown onto the sidewalk. I have been bringing this up for months and years and it continues.

Mayor Curtis opened the meeting for Public Discussion.

Vallerie Magory, 1510 Bay Avenue: I just want to say the sign is really, really nice. Bay Head has a really long history and the Mayors have really done a lot for the town. It is a very nice addition to the room.

Mayor Curtis: Thank you and thank Mr. Applegate for putting it together.

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.**

**Councilmember Urner 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  
Anticipated Litigation**

- 3. It possible that action may be taken following executive session.**
- 4. This Resolution shall become effective immediately.**

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

**The Governing Body went into Executive Session at 7:38 pm. At 8:33 pm the Governing Body came out of Executive Session and resumed the regular meeting.**

**Councilmember DeFilippis offered for first reading Ordinance 2010-16 entitled:**

**AN AMENDMENT TO ORDINANCE 2009-04  
ESTABLISHING SALRY, WAGES, HOLIDAY, SICK  
LEAVE, VACATIONS AND OTHER BENEFITS OF  
EMPLOYMENT OF CERTAIN OFFICIALS AND  
EMPLOYEES OF THE BOROUGH OF BAY HEAD,  
OCEAN COUNTY, NEW JERSEY**

**Councilmember DeFilippis 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.**

**NAYS: Barnes, Urner. A copy of this ordinance is attached to these minutes.**

**There being no further business the meeting was adjourned.**

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

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**William W. Curtis, Mayor**