

**December 6, 2010**

**The regular meeting of Mayor and Council of the Borough of Bay Head was held on December 6, 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 Berko, Barnes, Glass, DeFilippis, Urner and Borough Attorney, Jean L. Cipriani. Councilmember Green 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 Barnes moved to approve the regular and executive minutes of November 1, 2010. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Mayor Curtis: There will be a second meeting this month on Monday, December 20<sup>th</sup> at 7 PM. I also would like to invite everyone to Veterans Walk at Borough Hall on Saturday, December 11<sup>th</sup> at noon for the laying of a wreath by Wreaths Across America. Please come out to honor our veterans and if you can't attend please stop and think of them at noon on Saturday.**

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

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

**Councilmember Barnes, Public Services, read the Zoning Officer report and the Construction Official report for the month of November. A copy of the report is attached to these minutes.**

**Councilmember Glass, Public Safety, read the Police Activity report and the Bay Head Fire Company No. 1 report for the month of November. A copy of the report is attached to these minutes. I would like to thank the Police Department for their help with the Christmas walk Friday night.**

**Councilmember DeFilippis, Public Works: Shortly we will begin the relining the sewer lines on Lake Avenue between Johnson Street and**

**Bridge Avenue. A letter went out today noticing the residents on Lake Avenue of the work.**

**Councilmember Urner, Finance: We are between a rock and a hard place in preparation of our 2011 budget. Our auditor is in Florida and will not be back until the 22<sup>nd</sup> of December. We have noticed all department heads to try and keep costs down in preparing their budget for 2011.**

**Councilmember DeFilippis: Has the completion date of the budget been extended?**

**Councilmember Urner: I have not heard.**

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

**Councilmember Barnes offered Ordinance 2010-15**

**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 the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Berko.**

**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 passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the ordinance is attached to these minutes.**

**Councilmember Urner offered Ordinance 2010-16 entitled:**

**AN AMENDMENT TO ORDINANCE 2009-04  
ESTABLISHING SALARY, 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 Urner moved the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Glass.**

**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 passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the ordinance is attached to these minutes.**

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

**Councilmember Berko offered Ordinance 2010-17 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 147, ENTITLED “LAND USE”**

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

**Councilmember Berko offered Ordinance 2010-18 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 CHAPTE 147, ENTITLED “LAND USE”**

**Councilmember Berko moved to approve this ordinance on first reading, which motion was seconded by Councilmember Barnes.**

**Councilmember Glass: I did a survey of a number of streets and out of 157 corners 67 will be noncompliant with the passage of this ordinance.**

**Councilmember Berko: Will the 67 be unable to comply or will it be inconvenient?**

**Councilmember Glass: Some could trim but to get the three feet it would be difficult. Some have brick walls.**

**Councilmember Berko: We were aware a number of people couldn't comply and they will be reviewed. The reason is for safety and we can't trade off safety for convenience.**

**Ms. Cipriani: A permanent structure is different and the wording could be amended. In fact I would suggest that be done.**

**Mayor Curtis: The key to remember is safety – that is why we are trying to rectify this.**

**Councilmember Berko moved to approve this ordinance on first reading as amended, which motion was seconded by Councilmember Barnes. The motion passed on roll call vote. YEAS: Berko, Barnes,**

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

**Councilmember Urner offered Ordinance 2010-19 entitled:**

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

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

**Mayor Curtis called for Unfinished Business.**

**Councilmember Barnes: I am still working on finalizing job descriptions. Please forward to me those you have and when I receive them we will sit down and go over them.**

**Mayor Curtis: At the last executive session we discussed the hiring of in house custodians and a resolution will be acted on tonight.**

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

**Councilmember Berko offered Resolution 2010-107 appointing John DeFilippis as Borough representative and John LeCompte, Municipal Engineer as alternate representative to the Community Development Block Grant Committee and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember DeFilippis offered Resolution 2010-108 and 2010-109 appointing Cathleen Alechko and Frank Alechko as Part-Time Custodian and moved it be adopted. This motion was seconded by Councilmember Glass.**

**Councilmember Barnes: I voiced my objection before that they should be treated as independent contractor and not employees.**

**The motion passed on roll call vote as follows: YEAS: Berko, Glass, DeFilippis, Urner. NAYS: Barnes. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2010-110 amending Resolution 2010-75 providing for salaries and compensation of Borough Officials and Employees for 2010 and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote.**

**YEAS: Berko, Glass, DeFilippis, Urner. NAYS: Barnes. A copy of the resolution is attached to these minutes.**

**Councilmember DeFilippis offered Resolution 2010-111 approving Change Order #2 in the amount of \$7,273.46 for an increase in the contract executed with C. J. Hesse, Inc. for final as-built quality adjustments done in the municipality and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2010-112 authorizing transfer in the 2010 Municipal Budget and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember DeFilippis offered Resolution 2010-113 authorizing submission of Tonnage Grant Application for 2008 and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Urner: I would like to suggest that the center line be painted on Johnson Street from Clayton Avenue to Lake Avenue. Hopefully this would help direct drivers to stay on their side of the road.**

**Councilmember Barnes: I was told there was a line but when the roadway was repaved the line was never repainted.**

**Councilmember DeFilippis: I will take a look at it and report back.**

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

**Tom Jones, 549 East Avenue: This is the time of year where individuals look where they have been and where they are going. I have observed the politics in Bay Head and this community is very well served by this Mayor and Council. Serving is not a walk in the park and to be good you have to spend a lot of time and resolve a number of issues. I would like to offer a salute to Mayor and Council for a job well done.**

**Jane Petrillo, 752 East Avenue: I have been a summer resident for seven years and we are presently in our new home. I want to publicly thank Doug Applegate, Bart Petrillo, the office staff, and all the inspectors. They were very helpful and totally out did themselves. I do have some constructive suggestions. We had a horrible time getting our property boundaries set. We had to spend thousands of dollars on lawyer fees and surveyor. I would suggest all property owners to get their property lines set. Secondly, to tear a house down in Bay Head is a mortal sin. We had the existing home inspected, soil borings taken and were told that the third floor was unsafe and the east wall of the basement was green. The house was also constructed with balloon**

framing which is a fire disaster. We choose to take the house down and rebuild. We were criticized in the Ocean Star editorials. We are also saving thousands of dollars in flood insurance with the new home. Thirdly, in April 2009 we were visited by a Councilmember stating he had received dozen of calls about our dewatering and we would have to place bales of hay on the street. We did it that day. I later learned that he lived right across the street from the storm drain he complained about. We were then told to take the bales out of the street. I wonder if a dozen people complained or he was annoyed because it was across from his house. You have incredible inspectors in this town who know the rules and regulations so let them do their job. I loath being told an untruth. We are becoming full time residents in January and I look forward to working with you in the future.

**Councilmember Berko:** It is unfortunately you had to spend a lot of money setting your property boundaries but there are places in town where the boundaries still aren't set. We tried to abandon an easement a few years ago and had to give up because of boundary disputes. As to the dewatering – it should be hosed to the closest storm drain.

**Ms. Petrillo:** Yes, Bart Petrillo visited our property and we dewatered the correct way.

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