

March 1, 2010

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

The roll was called for attendance. Present were Mayor Curtis and Councilmembers 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 Glass moved to approve the regular minutes of February 1, 2010. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Councilmember Urner moved to approve the executive minutes of February 1, 2010. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Mayor Curtis made the following appointments:

**Bay Head Environmental Commission
Shelly Haas
William Furze**

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Green, Parks, Grounds and Recreation, had no report.

Councilmember Barnes, Public Services, read the February Zoning Officer report and the January and February Construction Official report. A copy of the report is attached to these minutes

Councilmember Glass, Public Safety, read the Police Activity report for the month of February. A copy of the report is attached to these minutes.

Councilmember DeFilippis, Public Works: Storms have been an issue for the last five weeks or so. Our three man public works crew has done an excellent job. This however has created a lot of problems with the equipment so our maintenance costs will be up. We have four projects in the works one being the remediation of Park Avenue which will address the flooding at the corner of Park Avenue and Bridge Avenue. That project should be ready to go out to bid soon with work starting early April.

Councilmember Urner, Finance: We are in the final stages of budgeting for 2010. We will meet this week with our auditor. We are in pretty good shape.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

1. Request from Bay Head Business Association to use Centennial Park and the restrooms in Borough Hall on Saturday, June 12th (raindate June 13th) for Art in the Park 7:30 am to 4 pm.
2. Request from Point Pleasant Travel Soccer Club to use Howe Park on Saturday, March 1st thru July 3rd from 8 am to 12 pm.
3. Request from B.H.I.A. to use Borough Hall on Friday, June 18th from 4 to 7 pm and Thursday, August 19th from 7 to 10 pm.
4. Request from Seaweeders Garden Club of Bay Head and Mantoloking to use the heated garage bay at the Recycle Center on Friday, April 30th from 1 to 4 pm.
5. Request from Bay Head School to use Howe Park for girl's softball team practices and scheduled games April 1st thru June 4th from 2:30 to 5:30 pm.

Councilmember Glass moved to approve the requests which were seconded by Councilmember Berko. The motion passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis. Councilmember Urner voted yea except for an abstention on the Seaweeders request.

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

Councilmember Urner offered Ordinance 2010-02 entitled:

BOND ORDINANCE PROVIDING FOR BEACHFRONT MAINTENANCE, FIRE TRUCK, FIRE TURN-OUT GEAR, LIGHTING FOR CENTENNIAL PARK, PURCHASE OF LAW ENFORCEMENT VEHICLE (SUV), SURVEILLANCE CAMERAS, IMPROVEMENTS TO CENTENNIAL PARK, EVERGREEN PARK, TWILIGHT LAKEFRONT, AND SCOW

DITCH, BEACHFRONT PLATFORMS, RENOVATION TO SEWER MAINS, APPROPRIATING \$342,000.00 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$324,250.00 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION, IN AND BY 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 DeFilippis.

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

Mayor Curtis called for Ordinances, First Reading.

Councilmember Barnes offered Ordinance 2010-03 entitled:

**ORDINANCE OF THE BOROUGH OF BAY HEAD
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING CHAPTER 222 ENTITLED "VEHICLES
AND TRAFFICE" SO AS TO ADD CERTAIN LOCATIONS
TO SECTION 222-25 ENTITLED "SCHEDULE VII: STOP
INTERSECTIONS"**

Councilmember Barnes moved to approve this ordinance on first reading, which motion was seconded by Urner and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: Glass. A copy of this ordinance is attached to these minutes.

Mayor Curtis: Public discussion on this ordinance will take place at the April 5th meeting.

Councilmember Urner offered Ordinance 2010-05 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 to approve this ordinance on first reading, which motion was seconded by Councilmember DeFilippis 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: Public discussion on this ordinance will take place at the April 5th meeting.

Mayor Curtis called for Unfinished Business.

There was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember DeFilippis offered Resolution 2010-30 authorizing the execution of a Schedule “C” Agreement with the County of Ocean Road Department 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 Glass offered the following resolutions:

Resolution 2010-31 authorizing the execution of a Shared Services Agreement with the County of Ocean for the Driving While Intoxicated Enforcement Program

Resolution 2010-32 authorizing the execution of a Shared Services Agreement with the County of Ocean for the Prosecutor’s Program with the County of Ocean

Resolution 2010-33 authorizing the execution of a Shared Services Agreement with the County of Ocean pursuant to N.J.S.A. 40A:65-1 *et seq.*, for 911 Emergency Telecommunications Services

Councilmember Glass moved the resolutions be adopted. The 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 Green offered the following resolutions:

Resolution 2010-34 supporting the Mayors Wellness Campaign

Resolution 2010-35 establishing a Sustainable Jersey Green Team Committee

Councilmember Green moved the resolutions be adopted. The 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 thanked those for their service to the Mayors Wellness Campaign Committee and the Green Team Committee.

Councilmember Urner offered Resolution 2010-36 approving 2010 Temporary Emergency Appropriations #2 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.

Councilmember Urner offered Resolution 2010-37 approving an increase to the 2010 Temporary Capital Budget #2 and moved it be adopted. This motion was seconded by Councilmember Berko 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 2010-38 authorizing refunds for overpayments for property or sewer taxes 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 2010-41 authorizing 2009 Municipal Budget Transfer #5 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 Barnes offered Resolution 2010-39 encouraging residents to comply with the United States Census Compilation Efforts 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.

Councilmember Barnes offered Resolution 2010-40 adopting an Employee Handbook 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.

Mayor Curtis called for Ordinance, First Reading.

Councilmember Urner offered Ordinance 2010-04 entitled:

BOND ORDINANCE PROVIDING FOR REMOVAL OF EXISTING STORAGE TANK AND REPLACEMENT WITH A NEW STORAGE TANK APPROPRIATING AN ADDITIONAL \$50,000.00 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$47,500.00 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION, IN AND BY THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY

Councilmember Urner moved to approve this ordinance on first reading, which motion was seconded by Councilmember Glass. The

motion 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: Public discussion on this ordinance will take place at the April 5th meeting.

Councilmember DeFilippis: The B.H.I.A. would like to build a storage shed on Borough property at Public Works. We are only in the talking states with the Architect and President, Tom Gage.

Mr. Gage: For years we have kept our equipment at the public works property. Fifteen years ago we were going to build a shed but after receiving the figures we dropped the project. We have seven life boats stored around town, stands, trucks which are all out in the weather. We approached Mayor, Councilmember DeFilippis in an effort to build a storage build to make the area more attractive and get the equipment out of the weather. Councilmember DeFilippis would like to dovetail this storage building with additional storage for public works. We must agree on a long term lease.

Councilmember DeFilippis: We will have something at the next meeting.

Ms. Cipriani: Procedural things will have to be done. Anytime we lease Borough property you have to go through the bid process. I will review the existing lease agreement.

Mayor Curtis opened the meeting for Public Discussion.

Beverly Furze, 2 Wyndham Drive: I have been reading articles in the paper concerning garbage collection – where are we on this? I would also request that it be standard operationing procedure after a snow storm to have the beach steps cleared.

Councilmember Berko: I agree, it is like an obstacle course.

Councilmember Green: I have discussed this with Chip and John DeFilippis. Public Works can't get up there after plowing the streets. We have discussed blocking off some and opening others. We will discuss it further.

Mr. Gage: As President of B.H.I.A. we have discussed this on many occasions. The Borough is responsible for the steps up to the platform and B.H.I.A. is responsible for the steps down to the beach. We would be willing to contribute to the cost. We would be happy to work with the Borough.

Connie Cardillo, 534 West Lake Avenue: The path from Club Drive to Lake Avenue is a mess also.

Mayor Curtis: The committee on garbage has been working on the issue.

Councilmember Barnes: We are trying to come up with proposed language in the ordinance to tighten it up so that everyone is happy with storage and location.

Ms. Furze: I would hate to see us go backward.

Councilmember Barnes: The issue is liability. I see your point and we all understand that no one wants to see cans out.

Councilmember Berko: Isn't liability an issue with mail delivery, electric and gas meter readers?

Councilmember DeFilippis: We have a signed contract for rear yard pick up.

Elizabeth Hurley, 374 Holly Avenue: I understand the world is changing but change has to be what is good for the town. Rear yard pick up is a great service. I would like to thank the former Mayor and Council for their service. Bay Head is unique and I want to keep it that way.

Paula Weissberger, 1296 Bay Avenue: I am on the garbage committee. It is not our intention to move backward but to enforce, the language has to be clear.

Sue Shore, 128 Osborne Avenue: The argument isn't front yard or side yard but that the garbage should be out of view.

Councilmember Green: I would like to see residents stop putting out plastic bags – it is a serious health issue with all the rabid raccoons that have been captured in the area.

Ms. Weissberger: I would like you to consider an ordinance requiring residents to shovel their sidewalks after a snow fall.

Ms. Cipriani: I believe that is covered under State statute which states snow must be removed within 48 hours of the storm.

Dr. Gail Zimmerman, 50 Mount Street: Has it ever been suggested to wash out bottles and cans prior to putting out for recycle?

Councilmember Green: No, but I would suggest that they be covered.

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, 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. 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 an actions upon the hereinafter specified subject matter.**
- 2. The following subject involve matters of attorney/client privilege:**

Litigation – Grenville

- 3. It is anticipated that the matter discussed will not be made public at any foreseeable time in the future.**
- 4. This Resolution shall become effective immediately.**

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

Mayor Curtis recused himself from going into executive session.

The Governing Body went into Executive session at 8:23 pm. At 8:49 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