

April 5, 2010

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on April 5, 2010 at 7 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 Barnes moved to approve the regular minutes of March 1, 2010. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Councilmember Barnes moved to approve the executive minutes of March 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:

**April J. Yezzi, Chief Financial Officer
Tracey McCrystal, Court Administrator
Mary Costa, Deputy Court Administrator
Kelley J. Mickle, Deputy Emergency Management Coordinator
Wayne Applegate, Jr., Public Works Laborer
Kyle Coleman, Public Works Laborer
James Nolan, Public Works Laborer**

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Green, Parks, Grounds & Recreation: An annual mailing takes place each year informing residents of recycling and waste disposal, bulk pick-up dates, flood information, street sweeping schedule and stormwater information. The Environmental Commission has offered to streamline this information in a four page newsletter.

This will be more efficient and environmental friendly. The newsletter will be mailed out in April. In celebration of Earth Day there will be a community clean up on April 17th at 9 am here at Borough Hall. I encourage all to attend. Bill Furze will be in charge directing those participating to our public lands for litter clean up. I have placed a poster on the rear table with pins for you to take. Lastly, Clean Ocean Action will take place on April 24th starting at 9 am in front of Central Market. For both events please wear sturdy shoes and gloves. All debris collected is recorded and the data is used to protect the beach and ocean.

Councilmember Barnes, Public Services, read the Zoning Officer report and the Construction Official report for March 2010. A copy of the report is attached to these minutes. The Garbage Committee was formed to try and propose language to clarify rear and side yard placement of garbage. The Committee has met on a regular basis. I have heard a number of untrue rumors that we are trying to propose for example, containers as used in Brick Township, bags and cans out by the curb etc. If you have any questions, please contact me directly.

Councilmember Glass, Public Safety, read the Police Activity Report for the month of March and the Bay Head Fire Company Monthly Report for the month of February and March. A copy of the report is attached to these minutes.

Councilmember Green: I am glad to hear a summons was issued for failure to clean up after a dog.

Councilmember Urner: Wasn't New Jersey American Water Company to notice us when they would be in town flushing hydrants?

Councilmember Barnes: We were noticed by New Jersey American Water concerning the flushing and it is posted on the Web Site. I would also like to take this opportunity to remind everyone to lock their bikes.

Councilmember Berko: We need to reconsider the dog ordinance which Bob Ryan worked on.

Councilmember Green: I will ask the Environmental Commission to look into it.

Councilmember DeFilippis: Public Works has two work periods. We are limited in the summer as to what we can do. We try to do our street improvements from Labor Day to Memorial Day. This year we lost most of the spring because of the weather. We will be going out to bid for the roadway repairs to Park Avenue soon but the work won't occur until the fall. The stripping of Lake Avenue will be done prior to the summer season.

Councilmember Berko: Speaking of the striping of parking spaces on Lake Avenue, have any studies been done to see if box parking spaces create more efficient parking?

Councilmember DeFilippis: It is a mixed bag. If the spaces aren't marked we may lose some space but I am sure we gain more with boxing.

Councilmember DeFilippis: Some of you may be familiar with the lights at McDonald's on Route 35 south. I have spoken with the manager and the Zoning Inspector in Point Pleasant Beach who deem they are appropriate. We are debating the issue but the lights will not be changed in the near future.

Councilmember Urner, Finance, had no report.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

- 1. Request from Grace Tabernacle Church Ladies Softball Team to use Howe Park on Mondays, April 1st through August 31st from 5:30 to 8 pm.**
- 2. Request from Point Pleasant PBA Softball Team to use Howe Park on Tuesdays, April 1st through September 21st from 5:30 to 8 pm.**
- 3. Request from United States Census Bureau to use the Meeting Room in Borough Hall April 27th through April 30th from 9 am to 5 pm for testing/training census workers.**
- 4. An application from Bay Head School Foundation for an On Premise Raffles License to be held October 2, 2010 between 9 am and 3 pm at 145 Grove Street.**
- 5. An application from Ocean's Harbor House Foundation for an On Premise Raffles License 50/50 to be held on April 24, 2010 from 5 to 10 pm at the Grenville Hotel & Restaurant, 345 Main Avenue.**
- 6. An application from Ocean's Harbor House Foundation for an On Premise Raffles License Large Gifts to be held on April 24, 2010 from 5 to 10 pm at the Grenville Hotel & Restaurant, 345 Main Avenue.**
- 7. An application from Ocean's Harbor House Foundation for an On Premise Raffles License Small Gifts to be held on April 24, 2010 from 5 to 10 pm at the Grenville Hotel & Restaurant, 345 Main Avenue.**
- 8. Request from Bay Head Yacht Club to use Howe Park on Saturday, July 3, 2010 for pony rides.**

Councilmember Berko moved to approve the requests. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS:

Berko, Green, Barnes, Glass, DeFilippis, Urner. Councilmember Urner abstained on the Bay Head Yacht Club request. NAYS: None.

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

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 TRAFFIC” SO TO ADD CERTAIN LOCATIONS
TO SECTION 222-25 ENTITLED “SCHEDULE VII:
STOP INTERSECTIONS”**

Councilmember Barnes moved the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Urner.

Mayor Curtis opened the meeting to the public for a hearing on this ordinance.

Tom Applegate, 616 Lake Avenue: Every time we add more stop signs we lose parking. We lost spaces in front of the Post Office. If speed is the reason, we also have speeding on Osborne Avenue and East Avenue which has some built in speed bumps. One side of Mayor’s building allows no space to park because of the traffic light. We get more and more yellow curbs and by marking of spaces, we are losing spaces. The kids ignore the stop sign on Mount going west to east so maybe it should be on the bridge. Saturday evening and Sunday morning traffic will take longer with them trying to decide who has the right of way to proceed.

Chief Grace: The addition of the signs will only result in the loss of one parking space on Lake Avenue in front of your store.

Stan Niedzwiecki, 60 Johnson Street: Will the stop signs be lit?

Councilmember Barnes: That is something that we are looking into.

Mr. Niedzwiecki: How many accidents or fatalities have occurred at the Lake & Mount intersection? I am not familiar with Western/Woodland.

Councilmember Barnes: None. Our job is to make sure there are none. I appreciate the concerns of parking spaces but we have to side with safety.

Mr. Niedzwiecki: Why not address parental responsibility.

Councilmember Glass: Bay Head School addresses bike safety in the spring and fall.

Councilmember Berko: The concern is not just kids but the width of Lake Avenue which is very narrow.

Councilmember Green: We will study diagonal parking on Mount Street in front of the BHIA office.

Wini Applegate, 564 Lake Avenue: State law states pedestrians has the right of way in a cross walk, isn't this a duplication because the driver has to stop anyway.

Councilmember Berko: The law was recently changed from yield to stop for pedestrian.

Ms. Applegate: I have lived on Lake Avenue forty years. I feel if people are reminded they will comply. How many tickets for speeding in this area have been issued?

Chief Grace: We run a lot of calls in the summer so I don't have the man power to run radar. This is not only a problem for Bay Head kids. There are kids from out of town and those here for the summer.

There being no further comments or questions the public hearing was closed.

The motion to adopt was passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: Glass. A copy of the ordinance is attached to these minutes.

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 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.

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 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 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 2010-06 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 147 OF THE BOROUGH CODE ENTITLED "LAND USE"

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

Councilmember Barnes: This ordinance will increase alternate members to the Planning Board from two to four.

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.

Councilmember Berko offered Ordinance 2010-07 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 177 OF THE BOROUGH CODE ENTITLED "PEDDLING AND SOLICITING"

Councilmember Berko 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, Urner. NAYS: DeFilippis. A copy of the ordinance is attached to these minutes.

Councilmember Urner offered Ordinance 2010-08 entitled:

**ORDINANCE AMENDING BOND ORDINANCE 2010-02
OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF
OCEAN, STATE OF NEW JERSEY, FINALLY ADOPTED
MARCH 1, 2010 IN ORDER TO AMEND THE DESCRIPTION
OF THE PROJECT**

Councilmember Urner: Did this come up in a Finance Committee meeting?

Ms. Cipriani: As per Councilmember DeFilippis \$40,000.00 was designated for lighting. The cost of lighting was less so he wanted to be able to use the balance for other park improvements.

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.

Councilmember DeFilippis offered Ordinance 2010-09 entitled:

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE LEASE OF A PORTION OF
BLOCK 5, LOT 13 TO THE BAY HEAD IMPROVEMENT
ASSOCIATION**

Councilmember DeFilippis 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.

Councilmember Urner offered Ordinance 2010-10 entitled:

**ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING VARIOUS
SECTIONS OF CHAPTER 75 OF THE BOROUGH
CODE ENTITLED "BEACHES"**

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

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.

Councilmember Urner offered Ordinance 2010-11 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD,

**COUNTY OF OCEAN, STATE OF NEW JERSEY, TO
EXCEED THE 2010 MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A
CAP BANK (N.J.S.A. 40a:4-45.14)**

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

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 called for Unfinished Business.

Councilmember Berko: What happened to blocking out the spots on East Avenue to provide more efficient parking? I recommend a study to see if it would provide more parking? We should also do the streets to Main Avenue. I feel we could gain more parking.

Councilmember DeFilippis: We can take a look but we have nothing which to compare it.

Councilmember Green: Do we have proof that people take up more space than necessary?

Mayor Curtis: We will look into all parking and discuss it with the Public Safety Committee.

Mayor Curtis called for New Business and Resolutions.

Councilmember Barnes offered the following resolutions:

Resolution 2010-42 appointing Tracey McCrystal as Part-Time Municipal Court Administrator

Resolution 2010-43 appointing Mary Costa as Part-Time Deputy Municipal Court Administrator

Councilmember Barnes moved the resolutions be adopted. The 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 Glass offered Resolution 2010-44 appointing Kelley J. Mickle as Deputy Emergency Management Coordinator 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 DeFilippis offered Resolution 2010-45 authorizing the receipt of bids for roadway improvements to Park Avenue 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 this resolution is attached to these minutes.

Councilmember Urner offered Resolution 2010-46 appointing April J. Yezzi as Chief Financial Officer 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 2010-47 amending Resolution 2009-71 providing for salaries and compensation of Borough Officials and Employees for 2010 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 2010-48 adopting 2010 Temporary Emergency Appropriations #3 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 2010-49 designating Official Depositories for the Borough of Bay Head 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 2010-50 authorizing payment to Lederer & Wright Partnership for architectural services in connection with improvements to the Bay Head Reading Center and moved it be adopted. This motion was seconded by Councilmember Glass.

Councilmember Barnes: I understand the bathrooms or aisles in the Bay Head Reading Center aren't handicapped accessible.

Councilmember DeFilippis: This has nothing to do with the inside.

Councilmember Barnes: Do we have a plan to do the inside in the future to make it handicapped accessible?

Councilmember DeFilippis: I try to do these projects with grants.

Councilmember Barnes: Once they gain access they can't navigate once inside. We need to look for further compliance.

The motion was 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 the following resolutions:

Resolution 2010-51 appointing Wayne H. Applegate, Jr. as part-time Public Works laborer

Resolution 2010-52 – Tabled

Resolution 2010-53 appointing Kyle Coleman as part-time Public Works laborer

Resolution 2010-54 appointing James Nolan, III as part-time Public Works laborer

Councilmember DeFilippis moved the resolutions be adopted. The 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 2010-55 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, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2010-56 for late introduction of the 2010 Municipal Budget 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 2010-57 introducing the 2010 Municipal Budget 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 DeFilippis offered Resolution 2010-58 authorizing the execution of an agreement with John LeCompte of Remington, Vernick & Vena, Inc. as Engineer 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 opened the meeting for Public Discussion.

Mr. Niedzwiecki: I would like to thank Councilmember DeFilippis for looking into the light situation at McDonalds and Councilmember Urner for his work on the budget. Councilmember Glass how many of the summons issued in March for were cell phone use?

Councilmember Glass: The report doesn't break it out.

Mr. Niedzwiecki: What percentage of the budget is for debt service?

Councilmember Urner: Capital projects are debt service. The current large item is the fire truck. We are funding that purchase over a ten year period. The debt this year is \$350,000.00. I will get it for you for the next meeting.

Paula Weissberger, 1296 Bay Avenue: Why was Bay Avenue residents singled out with a letter concerning placement of garbage? How come the rest of the town is not being noticed?

Councilmember Barnes: Bart Petrillo, Code Enforcement Officer sent the letter.

Councilmember Green: I feel every one needs to be noticed.

Ms. Weissberger: I am a member of the Garbage Committee. The purpose was to propose language to keep the garbage from view of the street. My understanding is that Council did not support the recommended language. Would you possibly consider a common drop off point for those who can't comply, possibly the recycle center? It has become apparent that the language will never be changed.

Councilmember DeFilippis: We don't have the facilities to store a quantity of garbage for pick up. I also don't think the neighbors would like the smell or rodent issue which would occur.

Councilmember Berko: I would be glad to meet with anyone who can't comply.

Mayor Curtis: We can still talk about this further.

Brian Magory, 1510 Bay Avenue: There are three houses on Park Avenue from which the garbage is visible from the street. I have unlocked my gate in the morning of pick up day and lock it after they come.

Mr. Niedzwiecki: What is the architect's fee concerning the Bay Head Reading Center?

Councilmember DeFilippis: \$4,400.00.

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.

The meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor

