

May 3, 2010

The regular meeting of Mayor and Council of the Borough of Bay Head was held on May 3, 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, DeFilippis, Urner and Borough Attorney, Jean L. Cipriani. Councilmember Glass 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 Green moved to approve the minutes of April 5, 2010. The motion was seconded by Councilmember Berko and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None.

Mayor Curtis made the following appointment:

**Barry W. Gleeson
Membership to Bay Head Fire Company No. 1**

Mayor Curtis: The Finance Committee, two Board of Education members, Dr. Ravally, Superintendent and James Mullins, Business Administrator met and discussed the defeated budget of April 20th. I would like to give you information on the process. When the budget is defeated the local Board of Education is encouraged to present an official copy of its 2010-11 budget and required supporting documentation to the municipal Governing Body within two days after the election. The Borough Council is obligated to review the budget line by line and give their recommendations to the Board of Education and the Ocean County Board of Taxation by May 19th. The Board of Education can change the line by line items but not the dollar figure. Council could make no changes leaving the budget as is. We don't think that is our charge. We take this very seriously as does the Board of Education. I can't speak for the rest of Council but I feel the Board of Education proposed a very sound budget. If the defeat was one vote or one hundred we are required by law to come up with a solution. We are not sanctioning any layoffs and would not accept layoffs. I am very proud of the three members of our Finance Committee and Board of Education members Jay Cornell, Darren Erbe and Janice Hofferber for

their work on this decision. I am also extremely proud of the teachers for agreeing to come to the table to listen to what we had to say and take it back to the membership. They are under contract for another year or two and we commend them for listening to us. I would now like to introduce Jim Urner, Chairman of our Finance Committee. We will then open to the public for your comments. I will give each three questions on your first stand up but then you must give the floor to someone else. If questions or comments are repeated I will cut the conversation off. There is no reason to have personal attacks on anyone. We are all adults and everyone who wishes will have a chance to speak. Please rise and come to the front giving your name and address. The reason is requested because the meeting is being recorded.

Councilmember Urner read the attached statement: Council Presentation of School Board Budget Reductions

Dr. Ravally: As stand operating procedure it is my duty to send a rice letter to all non-tenured teachers informing them that they will not be renewed before May 15. I informed them that they will not be renewed until we have a settlement. It is not about performance but finance.

Councilmember Urner offered Resolution 2010-67 determining and certifying the amount be raised in taxation for the Bay Head School Budget and moved it be adopted. This motion was seconded by Councilmember Berko.

Mayor Curtis opened the meeting to the public for comment.

Janice Hofferber, President of the Bay Head Board of Education: The full board has been provided the proposal of Council. Mayor Curtis and I spoke and our common goal is to resolve this as soon as possible. I would like to thank Jay and Darren for working with the Finance Committee. We will meet this Thursday and put this behind us. I can't legally say but I don't feel we will seek an appeal. We aren't happy with the \$95,000 cut but there haven't been substantive cuts. We run a tight ship. We reviewed the budget back in early March with Mayor Curtis and Councilmember Urner. We are running some risks with reducing our surplus to \$100,000. The State suggests a balance of \$75,000. Our biggest problem is next year when we will be held to a 2.5% increase, that will be a challenge. Council needs to understand that our school is highly depended on our tuition students. At present it is 40% and those parents have no vote in this matter. Tuition students have increase 50% over the last few years. Contributing to this is our full day kindergarten and our aftercare program. K-3 is at capacity but if we have to cut back programs we run the risk of losing 44 kids. Lastly I would like to thank our teachers.

Rob Moreau, 40 Howe Street: If Council is going to reduce taxes on the back of our students are you willing to open the contract with the police? If this is just to reduce taxes I feel it is short sighted. Vote no on this for our children. If you are going to do this to the children the adults should sacrifice as well.

Shannon Curtis, 540 Main Avenue: With the reduction in summer school and class trips maybe the Bay Head School Foundation and Home and School could pick up these programs. These organizations operate by fund raising. I encourage all of you to support fundraisers that these organizations run. Later in the meeting the BHSF has a request for their Duck Derby and Shark Run 5K to be held on October 2nd. I don't understand the net reduction of \$85,000.

Councilmember Urner: We started by cutting expenses.
Councilmember DeFilippis brought up tuition. It was stated that three additional tuition students would provide approximately \$10,000. So with the additional \$10,000 anticipated in revenue the net would be \$85,000.

Ms. Curtis: A mailer will be going out to Brick residents hoping to bring additional tuition students in. I encourage your support for our fundraisers. Support Davey Jones Day.

Stan Niedzwiecki, 42 Johnson Street: I was wondering if the \$95,000 had anything to do with the Governor's cut in State aid?

Councilmember Urner: No, the \$83,000 in State aid had already hit their budget.

Mr. Niedzwiecki: I attend the Board of Education meetings and suggested to them that if the Governor is cutting \$83,000 something should be looked at. There is a lot of concern here.

Ms. Hofferber: We did go back after the State aid was cut and found additional tuition to make up the cuts.

Mr. Mullins, Business Administrator: The State will not be sending up the \$20,000 June payment. We were looking to add \$80,000 and that became zero. Another \$20,000 will be out of surplus – extraordinary aid is cost we have already spent.

Councilmember Green: What is the number you expect back?

Mr. Mullins: \$28,729.

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

Councilmember Green: We are committed to the Bay Head School. This process has engaged the whole community. We are charged with representing you. We support the school and feel we have demonstrated that in the past. I also encourage everyone to support your fundraisers.

Councilmember Berko: I would like to commend everyone for their involvement. My children attend Bay Head School and I hope my granddaughter will also. I don't feel with a \$2 plus million dollar

budget the cuts will have a direct impact on the children. We are here as a back up. With the impact minimal to the children I vote yes.

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

Mayor Curtis opened the public hearing of the 2010 Municipal Budget.

Councilmember Urner, Chairman of Finance introduced Richard Hellenbrecht from the firm of Robert A. Hulsart & Company and April J. Yezzi, CFO.

Mr. Hellenbrecht: The 2010 budget will be up 9/10 of a cent from last year. Council has worked very hard on this budget concerning the cut in State aid and the increase cost of pension. Bay Head is in a lot better shape than a lot of towns we audit.

Mr. Niedzwiecki: I am looking to reduce costs, how can we reduce in the future?

Mr. Hellenbrecht: Negotiations.

Councilmember Urner: We also have no control over insurance costs.

Mr. Niedzwiecki: Usually the cost of workers compensation is based on accidents.

Councilmember Urner: Council attended a training session and we were given a reduction of \$250.00 for each attendee.

No one else wishing to comment, the hearing on the budget was closed.

Councilmember Urner offered Resolution 2010-68 approving 2010 Municipal Budget and moved it be adopted. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report. I would like to thank Councilmember DeFilippis for having the lights adjusted at McDonalds.

Councilmember Green, Parks, Grounds and Recreation: I would like to thank Bill Furze and all those who participated in the community clean up. I would also like to thank those who participated in the Clean Ocean beach sweep on Saturday, April 24th. The data compiled from the beach sweep is very important in creating legislation. Finally a huge shout of thanks to Wayne (Scooter) Applegate for all the work he has done cleaning up the public lands. All of public works are doing a great job getting ready for summer.

Mayor Curtis read the attached Proclamation in support of Mayors Wellness Campaign.

Mayor Curtis recognized David Gambert husband of Councilmember Jennifer Barnes-Gambert for his safe return of service in Iraq.

Councilmember Barnes, Public Services, read the Zoning and Construction report for the month of April. A copy of the report is attached to these minutes. I would also like to encourage everyone to attend the Planning Board meetings which are held the 3rd Wednesday of the month.

Councilmember Urner read the Police Activity report for the month of April. A copy of the report is attached to these minutes.

Councilmember DeFilippis, Public Works: The stripping of parking spaces and the cross walk has begun on Lake Avenue. This work should be complete in about two weeks. Work has begun on the Bay Head Reading Center to make it ADA compliant.

Councilmember Urner, Finance, had no report.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

- 1. Request from Point Pleasant First Aid and Emergency Squad for permission to hold two coin toss events on Saturday, June 26th and August 14th from 8 am to 4 pm at the corner of Bridge and Lake Avenue**
- 2. Request from Bay Head School Foundation for permission to use Centennial Park and Howe Park to hold their Annual Shark Run 5K and Duck Derby on October 2nd. They also request that the Municipal building restrooms remain open for use by the general public**

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

Councilmember Green: I encourage everyone to support these events.

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

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 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 was passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the 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 the ordinance be adopted and second and final passage. The motion was seconded by Councilmember Barnes.

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

Evalyn Shippee, 56 Bridge Avenue: Is a back ground check done?

Ms. Cipriani: Yes.

Councilmember Green: Please remind the drivers not to leave the trucks running unattended to go up to the platform and ring their bell. This is very dangerous with children running around.

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: None. 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 moved the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Green.

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, DeFilippis, Urner. NAYS: None. A copy of the 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 A PORTION OF BLOCK
5, LOT 13 TO THE BAY HEAD IMPROVEMENT
ASSOCIATION**

Councilmember DeFilippis 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.

Mr. Niedzwiecki: Does this provide any income for the town?

Mayor Curtis: Only one dollar.

Ms. Cipriani: They will at their cost construct a build which will at the end of the lease belong to the Borough.

Councilmember Green: Will the Borough have the ability to store items in the structure?

Councilmember DeFilippis: We may add to it in the future.

Robert Hein, 204 East Avenue: I would like to congratulate the workers at public works and the lending library is great.

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: None. A copy of the ordinance is attached to these minutes.

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

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

Mr. Niedzwiecki: What will happen to the metal poles that are there?

Councilmember Green: Bart Petrillo, Dune Inspector will inform all beach owners of the change for their repairs and replacements in the future.

Tom Gage, 49 Twilight Road: We started the push of sand today. Out of the seventy-five beachfront homeowners only six choose not to participate.

Councilmember Urner: Is there any chance to have the only poles from the boardwalk sawed down?

Mr. Gage: That would be a massive job. With the push most will be covered up.

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: None. A copy of the 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
APPROPRIATIONS LIMITS AND TO ESTABLISH A
CAP BANK (N.J.S.A. 40A:4-45.14)**

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

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, DeFilippis, Urner. NAYS: None. A copy of the ordinance is attached to these minutes.

Mayor Curtis called for Ordinance, First Reading.

Councilmember Barnes offered Ordinance 2010-12 entitled:

**ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER
204 OF THE BOROUGH CODE ENTITLED “SOLID
WASTE”**

Councilmember Barnes moved to approve this ordinance on first reading. There was no second.

Ms. Cipriani: The ordinance dies without a second.

Mayor Curtis called for Unfinished Business.

There was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember Berko offered Resolution 2010-59 awarding peddler’s licenses for the year 2010 and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember DeFilippis offered Resolution 2010-60 providing for the sale of personal property pursuant to N.J.S.A. 40A:11-36 and moved it be adopted. This motion was seconded by Councilmember Berko and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Barnes offered Resolution 2010-61 affirm the Borough of Bay Head’s Civil Rights Policy and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Green offered Resolution 2010-62 awarding a contract to A Touch of Grass Landscaping for grass mowing and related services and moved it be adopted. This motion was seconded by Councilmember DeFilippis.

Councilmember Barnes: What about public works employees taking over the grass mowing?

Councilmember Green: We have hired one person to take care of the landscaping but he can’t manage the grass cutting. If we took the grass cutting on we would have to purchase the equipment also.

Councilmember DeFilippis: What is the bid threshold?

Ms. Cipriani: \$21,000.

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

Councilmember Urner offered Resolution 2010-63 authorizing the return of a street opening performance bond and moved it be adopted. This motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2010-64 authorizing the return of a street opening performance bond and moved it be adopted. This motion was seconded by Councilmember Berko and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2010-65 authorizing the return of a street opening performance bond and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2010-66 authorizing the return of a street opening performance bond and moved it be adopted. This motion was seconded by Councilmember Berko and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis opened the meeting for Public Discussion.

John VanSchoick, 111 Meadow Avenue: I am back concerning the sewer bill. I pay \$800 for water coming in and \$2,300 for sewer. Can't New Jersey American Water Company tell us how much water we use and then you base the sewer bill on usage? I need you to look into the situation.

Councilmember DeFilippis: Last year I did obtain records from NJAW and compared it to sewage treated. The difference was about 30% but last year had the highest rain fall, so it was a very back year to do it. We have found several areas of water intrusion. Work on Lake Avenue will be done soon. We are trying to reduce as much as we can area by area. I can report that we received a \$4,000 credit this year and last we had to pay an addition \$20,000.

Mr. VanSchoick: You need to look at the manholes in Point Pleasant. They seal when shut. I understand the oldest stuff in town dates back to 1919 so how long are they suppose to last?

Councilmember DeFilippis: Our plan is to replace/repair all sewers in the next five to eight years.

Mr. VanSchoick: What are the square patches in front of Applegate's Hardware?

Councilmember DeFilippis: Those patches are to cover the well points.

Mr. Hein, 204 East Avenue: Has Bart received the training to do the fire inspections for the rental properties?

Ms. Shippee: When the work was done on Bridge and Lake Avenue they were seen putting stuff down the sewer.

Councilmember DeFilippis: Bridge Avenue is a county road. They will have to fix their own mess.

Ms. Shippee: Catch me up on the Wellness Program. I would like to suggest tennis lessons for the children and maybe a round robin to get folks out.

Councilmember Green: Tennis has been added as a component to the Summer Recreation Program. I will present your suggest of a round robin to the committee.

Ms. Shippee: As to encouraging participation at the Planning Board meetings. If you could publish the agenda prior to the meeting it would be helpful.

Councilmember Barnes: I will make sure the agenda is on the website prior to the meeting.

Mr. Niedzwiecki: Can't you coordinate the public works sale with the Town Wide Garage Sale?

Councilmember DeFilippis: We hold an auction and the Town Wide Garage Sale is like a flea market.

Mr. Niedzwiecki: Who is responsible for the sewer rates?

Mayor Curtis: Finance and public works.

Councilmember DeFilippis: I think it is Mary.

Mayor Curtis: If rates, finance would get involved.

Mr. Niedzwiecki: Councilmember Urner do you have an answer to my question at the last meeting?

Councilmember Urner: Less than 10%.

There being no further business the meeting was adjourned.

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

William W. Curtis, Mayor

