

**June 7, 2010**

**The regular meeting of the Mayor and Council of the Borough of Bay Head was held on June 7, 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 Councilmember Berko, Green, Glass, DeFilippis and Borough Attorney, Jean L. Cipriani. Councilmembers Barnes and Urner were 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*.**

**Mayor Curtis introduced Nick Malfitano reporter for the Ocean Star.**

**Councilmember DeFilippis moved to approve the regular minutes of May 3, 2010. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Berko, Green, DeFilippis. NAYS: None. NOT VOTING: Glass.**

**Mayor Curtis made the following appointment:**

**Shanna Grace, Assistant Summer Program Coordinator**

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

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

**Councilmember Green, Parks, Grounds & Recreation: Shanna Grace is well qualified and we are thrilled she will be part of the staff. We are extending the program also to Bay Head School tuition students. The program begins July 6<sup>th</sup> thru August 13<sup>th</sup>. As part of the Mayor's Wellness Campaign and the Go Bay Head fitness program the first hour of the summer recreation program will be a variety of fitness and fun programs. I would like to thank the Mayor's Wellness Campaign committee for their help at the Kate Shea 5K run. Please support the Bay Head School Shark Run in October.**

**Councilmember Glass read the Zoning Officer and the Construction Official report for May 2010. A copy of the report is attached to these minutes.**

**Councilmember Glass, Public Safety, read the Police Activity Report for the month of May and the Bay Head Fire Company report for the month of April and May. A copy of the report is attached to these minutes. There has been an increase in copper thief recently. Please keep your eyes open and report any suspicious activity to the police. Also I would like to remind everyone to lock your bikes to prevent theft. The Osborne Avenue rail road crossing will be closed to traffic June 15<sup>th</sup> and 16<sup>th</sup> and possibly June 22<sup>nd</sup> and 23<sup>rd</sup>.**

**Mayor Curtis: You can get up to the train but you will not be able to cross the tracks.**

**Councilmember Glass: I would like to thank the Bay Head Police for a great job during the 5k run.**

**Councilmember DeFilippis, Public Works: The ADA accessible door work at the Bay Head Reading is complete. Siding will take place in the fall. All of this work is covered by a CDBG grant which is a benefit without the expense. All other work will be held off until the fall except for emergency work.**

**Mayor Curtis: John DeFilippis and I met with the route manager of Waste Management today. Never before have we had the amount of garbage created over Memorial Day weekend. They apologized for having to return to town a second day to collect since they did not collect on the holiday. They will be working Monday, July 5<sup>th</sup> and they will assist with picking up the street ends on Labor Day. We have also switched the bulk pick up date in the fall from Wednesday, October 27<sup>th</sup> to Monday, October 25<sup>th</sup>. Bulk items will still be placed at the curb.**

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

**Mrs. Applegate offered an application for Ad Interim Permit from H & R Grenville Fine Dining, Inc.**

**Ms. Cipriani: Their Liquor License expires June 30<sup>th</sup> and with Council meeting only monthly they will need the Ad Interim Permit to carry them until Council can act on the renewal application on July 6<sup>th</sup> if the they have received their Tax Clearance Certificate.**

**Councilmember Berko: Are there any legal conflicts with our voting on this?**

**Ms. Cipriani: The litigation is backward looking. There is nothing here for litigation concerns. It is a procedure required by the State.**

**Councilmember Berko moved that the Governing Body had no objection to the issuance of and *Ad Interim Permit* by the State Division of Alcoholic Beverage Control. The motion passed on roll call vote as follows: YEAS: Berko, Green, Glass, DeFilippis. NAYS: None.**

**Mrs. Applegate offered the following:**

1. A request from Bay Head Home & School Association for permission to hold their annual Shark Run 5K on Saturday, October 2, 2010.
2. A request from Bay Head Historical Society for permission to use the Council room on Saturday, June 26, 2010 for their annual meeting.
3. An application from All Saints Church for an Off Premise Raffles License 50/50 drawing to be held September 12, 2010 at 7:30 pm at 500 Lake Avenue.
4. An application from Bay Head School Foundation for an Off Premise Raffles License to be held on October 2, 2010 at Centennial Park.
5. An application from Bay Head School Foundation for an On Premise Raffles License to be held on October 2, 2010 at Centennial Park.
6. An application from All Saints Church Women's Guild for an On Premise Raffles License to be held at the Bay Head Yacht Club on August 12, 2010.
7. An application from All Saints Church Women's Guild for an On Premise Raffles License 50/50 to be held at the Bay Head Yacht Club on August 12, 2010.
8. An application from the Church of the Sacred Heart for an Off Premise Raffles License 50/50 drawing to be held on September 4, 2010 at 1 pm at 751 Main Avenue.

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

Mayor Curtis called for Ordinances, First Reading.

Councilmember Glass offered Ordinance 2010-12 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"  
REGARDING PROCEDURE FOR DETERMINATION  
OF COMPLETE APPLICATION**

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

Mayor Curtis called for Unfinished Business.

**Councilmember DeFilippis:** We have collected a number of boats some are registered so are not. How long do we have to hold them?

**Ms. Cipriani:** You must treat the two classes differently. For the unregistered you must post a general notice on the bulletin board, web site stating that if unclaimed in thirty days they will be sold as excess property. If registered you must make an effort to track down the owner by sending certified letter stating if they don't contact you within thirty days the boat will be sold.

**Councilmember DeFilippis:** The problem is space they are in an area that we need to use.

**Ms. Cipriani:** You are required to make an attempt to contact the owner.

**Councilmember Green:** I have discussed the boat issue with Chief and John about the boats that come to the lake. Chief has application for registration of boat – the fee is \$2.00 which will allow the owner to be tracked.

**Mayor Curtis:** If they get their boat back they would then have to register it.

**Councilmember Green:** I received a call for a resident concerning the misinformation in the recently mailed newsletter. The correct hours will be posted on the web site and noted in the next mailing.

**Councilmember Berko:** I received a letter from a resident stating his garbage was out in front of his house because if he didn't place it there it would not be picked up. This is a problem when people aren't here year round. We need to either have some sort of symbol that can be used by the homeowner or request Waste Management to set up an e-mail address so residents can communicate with them when they have garbage.

**Councilmember Green:** I personally feel the responsibility lies with the homeowner.

**Councilmember Berko:** I feel it is a waste of time and gas for the workers to go to every house every day. If they call when they are down that would solve the problem. I would be willing to write a letter to residents covering the garbage issue and some parking concerns if we all agree on some solutions to these issues.

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

**Councilmember Berko offered Resolution 2010-69 approving the Retail Renewal Application for 2010-2011 – Club License for the Bay Head Yacht Club and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Berko offered Resolution 2010-70 requesting the Director of ABC to act upon the request of Seaurtis, Inc., T/A Central Market for renewal of its Liquor License and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember DeFilippis offered Resolution 2010-71 authorizing entry into an Interlocal Services Agreement by the Brick Township Municipal Utilities Authority for pressure cleaning and closed circuit television inspections and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Green offered Resolution 2010-72 appointing Shanna Grace as Assistant Summer Program Coordinator and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Glass offered Resolution 2010-73 authorizing the execution of a Shared Services Agreement between the Borough of Bay Head and the Ocean County Prosecutor's office for the Maintenance and Sharing of Public Safety Data as part of the New Jersey Data Exchange Project and moved it be adopted. This motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Glass offered Resolution 2010-74 authorizing the execution of a contract with John Neary for animal control services and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember DeFilippis offered 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, Green, Glass, DeFilippis. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Green offered Resolution 2010-76 awarding a contract to Therapeutic Fitness, LLC for the provision of fitness activities for the Bay Head Summer Recreation 2010 program in association with the Mayor's Wellness Campaign and moved it be adopted. This motion was seconded by Councilmember Berko and passed on roll call vote. Yeas: Berko, Green, Glass, DeFilippis. NAYS: None. A copy of the resolution is attached to these minutes.**

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

**Edward King, 500 Main Avenue:** As to the discussion on garbage. I pull my can out with a note attached as to where to place in back. It works for me.

**Mr. King:** I am distribution pictures for your review of two Bay Head Historic District signs which are similar to those on either side of the Mantoloking Bridge. I would like to have these installed at the southwest corner of Main Avenue and Bridge Avenue. The signs would be paid by an anonymous donor.

**Councilmember Berko:** Bridge Avenue is a County roadway and Main Avenue (Route 35) is a State owned. Do we have to obtain permission?

**Ms. Cipriani:** I believe we would be able to put them up as long as they didn't obstruct existing signs.

**Mayor Curtis:** This has been mentioned to Bay Head Chapel.

**Councilmember Green:** I am very grateful to Ed King for giving his presentation. This has been in the works for a long time. We need to look at Bay Head as to the importance of our historic designation.

**Councilmember DeFilippis:** What is the size of the sign?

**Mr. King:** The specifications are attached to the pictures. I will also supply the contractor to install the sign.

**Stan Niedzwiecki, 42 Johnson Street:** Would I be able to obtain a copy of Resolution 2010-75?

**Ms. Applegate:** Yes, just stop by the office.

**Mr. Niedzwiecki:** This is for Councilmember Berko. Mayor appointed Councilmember Barnes and a committee to review garbage issues. Have you funneled you ideas through her?

**Councilmember Berko:** Yes. We will get together. I boycott the committee because the existing ordinance is not enforced so why add additional.

**Mr. Niedzwiecki:** Councilmember Glass was to obtain the break down as to the number of summons issued for cell phone usage.

**Councilmember Glass:** We do not have a break down. It would have to come through the computer. I will check into it and see if it would cost more money.

**Mr. Niedzwiecki:** Do we hold the funds that are paid for COAH?

**Councilmember Glass:** Yes.

**Mr. King:** My solution works as to the garbage. I leave a sign on the garbage and ask them to return the cans to the back of the house.

**Councilmember Berko:** You are making it harder on yourself. Our ordinance keeps garbage out of site. All you need to do is take your garbage out and put it in the can. They come and take it. No one has to move the cans out and back.

**Rob Moreau, 40 Howe Street:** Last month you stated you supported the school and then cut the school budget. Have you considered raising revenue for the school? Maybe beach fees could be increased?

**Ms. Cipriani:** Council is not allowed to raise revenue and give it to the school.

**Mr. Moreau:** How about parking revenue from the train station?

**Councilmember Berko:** The parking lot at the train station is owned by NJT.

**Mr. Moreau:** How about the municipal parking lot?

**Councilmember DeFilippis:** How can you feel the school was short changed by our reducing the budget when the School Board stated there would be no effect in their programs because of the cuts?

**Mr. Moreau:** It set a new cap that can't be changed within the next three years.

**Councilmember DeFilippis:** They have surplus funds.

**Councilmember Green:** You indicated that the budget failed by only eight votes but in reality the actual vote against the budget was 114 opposed. A number of years ago the Board of Education came before Council and request help and was given \$75,000. We can't dedicate funds to the school.

**Ms. Cipriani:** There is no statutory account for the school.

**Mr. Moreau:** Did you asked the Borough employees to take a pay freeze?

**Councilmember DeFilippis:** Just as the teachers have contracts so do some of our employees.

**Councilmember Berko:** We are all in favor of the school. \$70,000 came from surplus.

**Councilmember DeFilippis:** In the analysis of the Board of Education budget the cost of doing certain things was listed but the income side didn't show the total income for tuition students. You should ask the Board of Education how that will be used.

**Mr. Moreau:** Other revenue sources should be looked at.

**Mr. Niedzwiecki:** If you are looking for additional funds look at the 25% the Kate Shea had promised would be donated back to the town.

**Connie Cardillo, 534 West Lake Avenue:** A number of years ago the Kate Shea Foundation gave the school \$5,000 from the proceeds.

**Mayor Curtis:** We will look into your suggestions. The only way for us to get involved is if the budget is defeated or if they come to use as they did a few years back. We can support the school through their Shark Run, Duck Derby and Davey Jones Day. If the school got more aggressive attracting tuition students they would have 16 students in every grade. Within our week of negotiations four additional tuition students came forward. We left the budget with \$100,000 surplus and told them if they ran into financial crisis they could come back to us and I am certain the Council will look favorable on the request. Our municipal surplus is being cut. We didn't ask our employees to take a cut or furlough days. Your suggestions are all valid but some should be taken to the Board of Education. I will be glad to sit and discuss this with you anytime.

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