

**July 6, 2010**

**The regular meeting of the Mayor and Council of the Borough of Bay Head was held on July 6, 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 DeFilippis moved to approve the minutes of June 7, 2010. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Glass, DeFilippis. NAYS: None. NOT VOTING: Barnes, Urner.**

**Mayor Curtis made the following appointment:**

**Michele Edgin, Alternate Deputy Municipal Court Administrator**

**Constance Cardillo presented Mayor Curtis with the William J. Kearney Memorial Award to be displayed in Council Chambers which was presented to the Lavallette/Point Pleasant Juvenile Conference Committee by the Superior Court of New Jersey Ocean Vicinage on June 3, 2010.**

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

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

**Councilmember Green, Parks Grounds & Recreation: The Summer Recreation started this morning with great success. This year we added a Kids Fit Club. The State Director was present and met with the children and counselors. All our counselors are teachers and everyone is having a great time. We are very grateful to Bay Head School for allowing us to use their facilities. The Seaweeders will hold a presentation this Saturday 9:30 am to 10:30 am on how to compost, conducted by Irene McIntyre. This will take place at the Garden Patch located at the Recycle Center. The Mayor's Wellness Committee along with the B.H.I.A. will conduct a Water Safety 101 lecture, July 10<sup>th</sup> and August 14<sup>th</sup> at 10 am at Bridge Avenue Beach. On July 23<sup>rd</sup> and August**

**11<sup>th</sup> a Kid's Cooking class will be held at All Saints Church. Please check the website [www.bayheadnj.us/mwc](http://www.bayheadnj.us/mwc) for more details. Please remember to register your boat with the Bay Head Police Department. The fee is only \$2.00. We are hopeful this will keep some control on the boats. A representative was out today inspecting the crack in the tennis court. He will report back to us as how to repair it and we are also looking into reviewing the warranty.**

**Councilmember Barnes, Public Services, read the Zoning Officer and the Construction Official report for June 2010. A copy of the report is attached to these minutes. We are looking to fill the position of sub-code plumbing inspector who resigned. We are also exploring COAH fees as to where the money will go.**

**Councilmember Glass, Public Safety, read the Police Activity Report for the month of June. A note from Sherry Urner, President of the Seaweeders thanking the Bay Head Police Department for their help with the Garden Tour was read.**

**Councilmember DeFilippis, Public Works: The CDBG grant project at the reading center installing handicapped doors is complete. The siding will be done this fall. A visit to the Ocean County Recycle Center has been scheduled for this Thursday. If you would like to attend please meet here at 9:30 am. The tour will take about one hour.**

**Councilmember Urner, Finance, had no report. He stated the 2011 tax bills will go out soon and that he had asked for a report for the last six months from the Chief Financial Officer.**

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

**Mrs. Applegate offered the following:**

**An application for Special Permit for Social Affair from All Saints Women's Guild event to be held at the B.H.Y.C. on August 12, 2010**

**An application for Special Permit for Social Affair from Bay Head Fire Co. No. 1 event to be held at the firehouse on August 21, 2010**

**An application for Off Premise Raffles License from Bay Head Fire Co. No. 1 drawing to be held at the firehouse on August 21, 2010**

**Request from Point Pleasant Soccer Club to use Howe Park for Youth Soccer, August 1<sup>st</sup> thru December 1<sup>st</sup> 2010 on Saturday 8 am to 8 pm and Monday thru Friday 4 pm to dusk**

**An application for Off Premise Raffles License 50/50 from Sacred Heart Holy Name Society drawing to be monthly in 2011 at Msgr. Casey Hall 9 am**

**Request from Save Barnegat Bay to utilize a portion of the public Land (adjacent to Manasquan Savings Bank) to sell raffle tickets**

periodically throughout the summer until September 26th

Councilmember Green moved to approve the requests. The motion was seconded by Councilmember Berko.

Councilmember Glass requested that Save Barnegat Bay not sell tickets on Saturday, August 21<sup>st</sup> the day of the Bay Head Clam Bake.

The motion passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. Councilmember Urner abstained on the first request which would be held at the B.H.Y.C. NAYS: None.

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

Councilmember Barnes offered Ordinance 2010-12 entitled:

**ORDINANCE FO 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 Barnes moved the ordinance be adopted on second and final passage. The motion was seconded by Councilmember Glass.

Councilmember Barnes: This would allow Bart Petrillo our Code Enforcement/Zoning to review the applications and determine if they should to be submitted to the Planning Board Engineer for review. This will save the applicant the cost of review by the Planning Board Engineer if it is a minor application.

Stan Niedzwiecki, 42 Johnson Street: Where does our town engineer come in to play?

Councilmember Barnes: The Borough Engineer isn't involved only the Planning Board Engineer.

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

Mayor Curtis called for Unfinished Business.

Councilmember Urner: The mail box is missing at the corner of Mount Street and Main Avenue.

Mayor Curtis: I went to the Postmaster and she stated you can write all the letters you want and you will never get it back.

**Councilmember Barnes:** The Solid Waste Committee met two weeks ago. Most are present tonight, Brian Magory, JoAnn Pehlivanian, Stan Niedzwiecki and Paula Weissberger, Sharon Applegate is absent. It was decided that a letter should be sent to the residents educating them. Presently a letter is being distributed to those in violation. The Zoning Officer has been instructed to issue a summons after the notice has been sent and there is no compliance. The letter also asked for input from residents. I would like to thank the committee for all their work.

**Councilmember Berko:** Has there been any progress from people who aren't here regularly? I still think some kind of symbol indicating they need pickup would be best.

**Councilmember Barnes:** The committee is very cautious using cymbals.

**Councilmember Berko:** I feel those who are only here every once in a while are the problem because they pull their cans out so it will get picked up.

**Mayor Curtis:** I would like to thank the committee for their time and effort on this issue.

**Councilmember Urner:** John, has Bart Petrillo completed the study on Main Avenue?

**Councilmember DeFilippis:** 90% do not have clean outs. All the new houses do but most of the older ones do not.

**Councilmember Barnes:** We are working to update our phone system. We presently do not have caller ID or voice mail. We are exploring a number of possibilities and will be seeking Council's recommendation. I would like to thank Kelley Mickle who has done a phenomenal job working on this. Tomorrow the four way stop at the corner of Lake Avenue and Mount Street will be implemented.

**Councilmember Berko:** Have signs been posted indicating the change?

**Chief Grace:** Yes and we also have the portable one a block ahead stating four way stop ahead. I will report back next month.

**Councilmember Glass:** I was not in favor of this stop sign and would like the implementing to be held up until September. The middle of July is not a good time to install it.

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

**Councilmember Berko offered Resolution 2010-77 approving the renewal of a Plenary Retail Consumption License issued to H & R Grenville, Fine Dining, Inc. for the 2010/2011 license term 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. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2010-78 Certification of the Annual Audit and moved it be adopted. The motion was seconded by Councilmember Berko.**

**Councilmember DeFilippis: I have read the audit and toward the end are recommendations made by our auditor. Are the recommendations yet to be corrected?**

**Councilmember Urner: There are two comments. The reserve account is being done and the general ledger account is being done every month.**

**The motion 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 Berko offered Resolution 2010-79 appointing Michele Edgin as part-time Alternate Deputy Municipal Court Administrator 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 Green offered Resolution 2010-80 authorizing the Local Government Energy Audit 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 2010-81 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 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 2010-82 approving a credit change order in the amount of \$30,333.00 for a decrease in the contract executed with Midlantic Construction LLC 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 Green offered Resolution 2010-83 authorizing the Sustainable Jersey Grant funded by Wal-Mart 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 2010-84 awarding a contract to Stacey Contracting, Inc. for design and construction services for the 2010 Sanitary Sewer Rehabilitation Project – Lake 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 the resolution is attached to these minutes.**

**Councilmember DeFilippis offered Resolution 2010-85 awarding a contract to C. J. Hesse, Inc. 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 the resolution is attached to these minutes.**

**Councilmember Barnes: I would like to pass on some good advice. Check the New Jersey State Police website for sex offenders in your neighborhood. I have also contacted the Ocean County Library to see if student programs could take place at the Bay Head Reading Center.**

**Councilmember Urner: We go through a lot of resolutions at a meeting. Maybe they could be posted on the website prior to the meeting.**

**Mrs. Applegate: I can post them as soon as they are received. I do not receive some until the afternoon of the meeting.**

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

**Connie Cardillo, West Lake Avenue: I object to Howe Park being used for soccer practice from 8 am to 8 pm on Saturday.**

**Mayor Curtis: I will speak with them to define their hours.**

**Mrs. Cardillo: We have a real problem with Ocean County Library system providing access to the internet 24 hours a day. Right beside the Reading Center is a playground and cars just come and sit there for long periods of time. This as you know is a residential area. Could we encourage the Ocean County Library not to provide the access in Bay Head?**

**Mayor Curtis: I see your concern.**

**Chief Grace: It is not illegal. People park and use the access. Asbury Park Press reporters use it. Maybe they could turn the access off when the Reading Center is closed.**

**Mr. Niedzwiecki: I received a computerized phone call from NJAW asking me to restrict water use. I would like you to consider notifying them that they have a responsibility to provide us with water. They take our money but with no increase in service. The letter will have to come from you to make any impact.**

**Councilmember Glass: The message was voluntary not mandatory.**

**Councilmember Berko: They are a private company how do they obtain permission to place restrictions on usage.**

**Ms. Cipriani: They would need authorization from the State agency.**

**Brian Magory, 15010 Bay Avenue: I commend Jen on the Solid Waste Committee. People just don't know that they aren't supposed to place their garbage in certain areas. The new garbage guys are terrific.**

**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:**

**Pending Litigation**

- 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 Urner 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.**

**The Governing Body went into Executive session at 8:20 pm. At 9:49 pm the Governing Body came out of Executive session and resumed the regular meeting.**

**There being no further business the meeting was adjourned.**

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

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**William W. Curtis, Mayor**

