

**August 16, 2010  
Special Meeting**

**The special non-voting taxpayer meeting of the Mayor and Council of the Borough of Bay Head was held on August 16, 2010 at 7:30 PM in the Council Chambers of the Borough Hall.**

**Mayor Curtis called the meeting to order and welcomed everyone to the Third Annual Non-Voter Taxpayer Meeting. 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. It was posted in the main corridor of the Borough Hall on August 3, 2010 was published in *The Ocean Star* on August 6, 2010.**

**Mayor Curtis introduced the following employees: Charles B. Grace, Jr., Chief of Police; Chip Tillson, Public Works Supervisor; Doug Applegate, Construction Official and Public Works Employee; Kelley Mickle, Police Dispatcher and Deputy EMC; Laura Tuzzolino, Deputy Municipal Clerk, Planning Board Clerk and Technical Assistant; Patricia Applegate, Municipal Clerk; Borough Attorney, Jean Cipriani and Tom Gage, President of BHIA.**

**Mayor Curtis introduced Councilmembers and their position: John Berko, Council President and Chairman of Legal and Planning; D'Arcy Rohan Green, Chairman of Parks, Grounds and Recreation; Jennifer Barnes, Public Services; Mary Glass, Public Safety; John DeFilippis, Public Works; Jim Urner, Finance; working in the Finance Department are April Yezzi, CFO and Tax Collector and Denise Mayer her assistant.**

**Mayor Curtis stated his office hours were Monday, Tuesday and Friday from 11 am to 2 pm.**

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

**Councilmember Berko, Legal and Planning: One misconception that came up at the last meeting, is that we are sued too much. First there is not a whole lot we can do about being sued. Anyone can sue whenever they want. I can say we are sued rather infrequently and rarely successfully. I attribute that to trying to keep our laws reasonable and make the town safe. When we do get into litigation we are well represented and the results are rather good. I encourage anyone who has got any ideas, problems or thoughts on those areas to contact me, I**

am listed in the phone book or Patty can give you my cell phone number. Currently we are pretty quiet on the legal front so that is good.

**Councilmember Green, Parks, Grounds and Recreation:** It is wonderful to see such a full house. I Chair the Parks, Grounds and Recreation Department and work with Finance and Public Works. We are here to serve you and I am available anytime, just reach out to Borough Hall and I will always get back to you. I would also like to thank the staff. We couldn't do the job without them. The playground is a big concern. We have been without a slide for some time but the slide is in and will be installed next week. Soon after that we will be receiving other components for improving the playground and installing a playground for little ones. We will have two spaces, one for two to five year olds and one for five to twelve year olds. The Summer Recreation Program was a terrific success, mainly due to the great staff we had. We had a wonderful head counselor. All the staff are teachers of elementary school children. We added a fitness component this year and that was very successful and made for a lot of fun. It was all part of the Mayor's Wellness Campaign which is still going full force. I encourage you all if you haven't seen the literature around the Borough please check out the website. There is a variety of committees, programs and projects that are on going and maybe be of interest to you. There is going to be a terrific fall festival day on October 2nd. We are supporting the Bay Head School as part of the Mayor's Wellness Campaign. I encourage you all to return for this event.

**Councilmember Barnes, Public Services:** I am the Chairperson of the Public Services Committee. In that capacity I am responsible for zoning and construction issues. If you have any questions please feel free to contact me, Doug Applegate, or Bart Petrillo. Our contact information can be found on our website at [www.bayheadnj.us](http://www.bayheadnj.us). I understand for a while there were transmission problems with the e-mail going through but I have been assured that has been cleared. If you haven't visited our website I encourage you to do so, it is full of information. I also serve on the Legal and Planning Committee and the Public Safety Committee and I am the Planning Board representative for Council. The Council recently passed an ordinance that makes it easier, at least economically for applicants to appear before the Planning Board. We have given more review authority to our Zoning Officer and as a result of that it lessens cost to the applicant for professional review fees. I am always looking to reduce costs. We have been pretty successful with the phones and the internet. We are always looking to save money. If you have any questions please feel free to contact me either after the meeting or online or via the phone.

**Councilmember Glass, Public Safety:** I have been in town many, many years. I am in charge of the Fire and Police. I am very proud of our Police Officers and the wonderful job they have done so far this summer, keeping everything in check-our streets, roads and traffic. I would like to thank Chip Tillson our Fire Chief for the wonderful job done at the fire at the loop. The annual Fire Company Clambake will take place this Saturday, August 21<sup>st</sup> and I encourage all to attend. If

**you have any questions, please contact me at the Bay Head Sands or here at Borough Hall.**

**Councilmember DeFilippis, Public Works: We have two construction cycles. One is between March and June and the other is between September and December. We will start some remediation work on Park Avenue the second week in September to correct some flooding issues at the corner of Bridge and Park. We will also be installing new sewer line on Lake Avenue between Bridge Avenue and Johnson Street. We will also update our fueling system by installing above ground tanks and removing the underground tanks at our Public Works Department. That will be starting within the next week or so. We are also going to be installing new lights on the east side of Centennial Park along Scow Ditch. In addition to the lighting we will also install closed circuit TV for security reasons in the park. That installation will be complete before the fall season is over. Recently we completed the ADA compliant entrance way to the Bay Head Reading Center. Even though we are a small town we have many of the issues that are also addressed in large towns. We have a very small work force so we have to use our employees very judiciously. Fortunately we have a group of people who are easy to work with and extremely flexible. We don't have all the answers but we think we do a pretty good job. However, if any of you have any comments, criticisms or suggestions we will be only to glad to listen to what you have to contribute. I am usually here everyday between 9 and 11 am.**

**Councilmember Urner, Finance: I am the head of the Finance Committee. I don't know if you all picked up a copy of the sheet provided on the front desk. This gives you a major break down of where your tax dollar goes. If you have any questions about it or any other questions about finance I will take them up at the open discussion.**

**Mayor Curtis: Prior to taking your comments we have some business items to take care of. I placed a lapel pin on your chair which is our gift to you.**

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

**Councilmember Barnes offered Ordinance 2010-13 entitled:**

**ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 163 OF THE BOROUGH CODE ENTITLED "NOISE"**

**Councilmember Barnes 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 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 2010-14 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 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, Glass, DeFilippis, Urner. NAYS: None. A copy of the ordinance is attached to these minutes.**

**Mayor Curtis called for Unfinished Business. There was none.**

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

**Councilmember DeFilippis offered Resolution 2010-90 approving the submission of a grant application and execution of a grant agreement with NJDOT for Roadway Improvements to Strickland Street, Johnson Street, Mount Street, Chadwick Street 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 Barnes offered Resolution 2010-91 appointing Sal A. Farruggia as Alternate Part-Time Sub-Code Plumbing Inspector 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 2010-92 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 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 opened the meeting for Public Discussion.**

**Margaret Geraghty:** I live at 400 East Avenue but also have a home at 55 North Street. I read the Ocean Star all year long and this winter it seems that the current School Administration is leading toward consolidation and that might lead to closing the Bay Head school. Is there anything that the non-voters can do to help prevent this from happening?

**Mayor Curtis:** The Borough Council has no control over the school. We got involved this year because the voters voted the budget down. The budget is then remanded to the Borough Council to look at and to make suggestions to the School Board. The School Board does not have to take those suggestions but they do have to get to the dollar number. They took our suggestions and they passed them all. To answer your question, and this is personal, I will not speak for the other six members of council but if you want the school to stay open I would either write the School Board along with the school Superintendent, John Ravally and express your views. If you feel free to do so copy in the Mayor and Council but we have no direct control over what they do. I think the more people they hear from the easier it will be to make their decision, from a personal stand point I hope they don't ever close the school. You could also attend one of their Board meetings and bring that up. They meet monthly in the School Library on Meadow Avenue.

**Ms. Geraghty:** Concerning garbage service – I think the new contractor is 100% better than the previous contractor. I know a number of people were sorry to see the prior contractor go but for those of us who are only here weekends our garbage was not being picked up. The present contractor is wonderful. I also feel you need to be a little easy on showing garbage cans particularly for the weekenders or when you get post season here. Otherwise our garbage will not get picked up.

**Mayor Curtis:** It is being picked up by Waste Management.

**Ms. Geraghty:** Absolutely. The fellow we have now is just wonderful.

**Mayor Curtis:** Thank you very much

**Councilmember Berko:** The current ordinance is more liberal – the prior ordinance required all garbage to be in the back yard. You can now place your cans in the side or rear yard. Just remember the contractor is paid to come into the back yard. We need to come to a consensus as to a way to notice the garbage service that a homeowner needs a pickup.

**Councilmember Green:** I think your comment on the school is a wonderful thought process. There is often the perception that summer residents don't even know there is a school. It is such a critical piece of our community, so when we have gone through the process as we had to do this winter in reviewing the school budget and working with the School Board, it really put the school out to the forefront. So summer residents let it be known if you support the school and I am sure the School Board would appreciate that.

**Bill Neill, 214 Osborne Avenue:** I would like to thank the Mayor, Council and employees for being here tonight. I would suggest the name of the Mayor, Councilmembers, and all employees with their phone numbers be mailed to all residents. Does the Bay Head Fire Department have a system of signal for certain areas in town?

**Councilmember Glass:** There is only one signal for the entire town.

**Elaine Monacelli, 174 Cranberry Avenue:** I have been a property owner since 1971 and a summer resident since 1976. My concern is the barrel in the middle of the street at Park and West Lake Avenue. It is unnecessary and unsightly. That portion of Park has been one way for about ten years. The barrel is an eyesore to our neighborhood. There are no barrels at any intersection of East Avenue. Yet every year I see cars going the wrong way. Last week I observed a police car stopping a car from coming out of Osborne onto Rt. 35. This is a very busy one way intersection, also with a curve, and there are no barrels just the traditional one way signs. There are probably thousands of one way streets in NJ and I have never seen a barrel up for ten years. The town feels that our garbage cans are unsightly and must not be seen from the street. The barrel is much more objectionable to our neighborhood. The attached photos were submitted.

**Councilmember Green:** Thank you. I am the liaison to the Beautification Committee so if I may I will share this letter with them and perhaps we can speak with the Public Safety Committee and look into that.

**Libero Renzulli, 409 East Avenue:** Some of you remember Victoria Mastrobuono who was a nemesis of the Council but also had the best interest of Bay Head at heart. I thought you should know that the Mason Gross Theater at Rutgers University has been renamed for her. Also the McCarter Theater at Princeton University has just been the recipient of \$800,000 from Victoria Mastrobuono. She was very committed to the arts. The Metropolitan Opera Association was the recipient of 4 million dollars only if Peter Geld would resign and he refused to resign so that money will be going elsewhere. My question concerns the groins. I would like to know what the Council can do, is doing or will do or will not do regarding the Karge Street groin because once again we are seeing the beach erosion occur. The groins are there and we have to maintain them, that is the only thing we can do. We can't afford to demolish them. The other concern is if we don't keep them in repair does that give an excuse for the Army Corp of Engineers, Federal or State government to come in and take over because we aren't taking care of our own beaches. The Florida decision of the US Supreme Court went against us. I have been here going on 35 years, I have seen the beaches come and go. The Harris Street area eroded very badly and then was repaired and now that area south toward Mount has rebuilt. Now we are dealing with the area between Karge and Harris which needs to be looked after. Should we start a fund raiser? I would be very happy to start it going. This is something that affects us all.

**Mayor Curtis:** Thank you very much for mentioning Victoria Mastrobuono. She attended almost every meeting here and yes became a thorn in many of our sides from time to time but always somewhere in her comments there was a spark of truth that we always looked into and she was welcomed at all times. As far as the groin issue. It is an issue that the Council struggles with. We did repair Harris Street. We tried to repair Mount Street and it didn't work. We repaired Chadwick Street. When I say we it is part Borough, homeowners, and BHIA. Groins should not have been put in, in the first place but since they are there many people feel they should be maintained. They were not put in by the Borough but the Borough is responsible for maintaining or ignoring them. It looks like they have been ignored. It is a point well taken and something that we probably should be addressed real soon.

**Councilmember Green:** We recently addressed it with some repairs to keep it safe.

**Mayor Curtis:** The question is do we repair it like we did Harris Street or do we take it apart or let it fall apart. That is something you in the audience will have to get to council members. We can work with Tom Gage on the BHIA. I have an opinion, others have a different opinion, but something needs to be done one way or the other. We need to address it on Council and I would charge you to do it this fall.

**Tom Gage, 49 Twilight Road:** In Bay Head we have groins not jetties. A follow up to Dr. Renzilli, we have argued this situation for many years as far as the value of the groins. Some feel they should not be here and be removed and others feel they have been very successful and should remain and be repaired. I happen to feel that way also. I was here prior to the groins. The groins were put in between 1959 and 1962. The sea wall that runs along the front of the beach front owners property extends from Karge to Egbert Street. The wall runs 15 to 20 feet in width and depth and has done a lot of protection over the years. We did repair the Harris Street groin which was 100% funded by private donations – five homeowners and the BHIA. We repaired the Chadwick Street (Bluffs groin) our southern most groin. That was funded 20% Borough money and 80% private money which came from five homeowners in that area and the BHIA. Karge right now is in very bad disrepair. Some emergency repairs were done on Karge last week because we definitely had a safety hazard. It is only a temporary fix and something has to be done down the road. We (BHIA) will contribute to the repair; we are pro groin at this time. We appreciate the work D'Arcy and Mayor have done and your input to the Council will be very helpful.

**Councilmember Berko:** I fully understand the beaches need to be preserved the only question is, what is the best way to do it? I have a copy of a study of measurement of New Jersey beaches which I can give you. We need to look at alternative methods – it is not a black and white issue. Walk the beach and observe the groins and the build up of sand.

**Mr. Renzulli:** Have we heard anymore from the State or Federal about beach renourishment?

**Councilmember Green:** I do take your point seriously. I think the DEP is less interested in taking over any ones property anymore.

**Mayor Curtis:** I strongly urge you to address this issue.

**Mark Leonard, 354 East Avenue:** My primary residence is in Summit. I looking at your analysis, as you know in New Jersey there has been a sort of a tax revolt if you want to call it that in real estate taxes. In Summit there is a lot of talk of sharing services. Are we doing anything with our police department, it would seem natural to share services with Mantoloking to combine the forces or fire departments sharing services? Is there any thought on Council to ways that we can economize to reduce our tax increases?

**Mayor Curtis:** We look at this every year and we do have shared services with Mantoloking. Not necessarily our police force but we do things together. We have also looked at doing things with the Borough and the Beach. If we did anything with any other town it will adversely affect our tax base. That is another reason to look at the school because if we were to merge with the Borough, Beach or Brick our taxes would go up. We have looked at all of that.

**Mr. Leonard:** County tax – 47%. In Summit where in Union County we are 4% of the population and we pay 11% of the county taxes and we get back less than 10 cents on the dollar. Has anyone done a study with Ocean County – you send them 4.2 million dollars every year – what do we get from Ocean County for the town of Bay Head for that 4.2 million that we send? Along those same lines every time we are reassessed our individual properties here –they never get reassessed down they only get reassessed up the percentage of our County taxes I would guess to say goes up. We are paying a bigger and bigger share and what do we receive?

**Councilmember Berko:** They plow Bridge Avenue and Osborne in the winter. Even if we didn't reassess the County does it – they treat it as if we were reassessed.

**Mr. Leonard:** That is interesting because that is what I was told but the cities of Newark and Elizabeth are never reassessed and they haven't been for thirty years. I don't know who the town in Ocean County that we pay for is, but there is someone that we are subsidizing to a large degree. I bring this up because Summit has gone to the Union County and is getting things from the county such as parks and lighting. Is there anyway for us to establish a relationship with Ocean County so that maybe we could get money for the groins?

**Councilmember Berko:** Newark may not have done there own reassessment by the county did it for them. They have a formula and they charge you anyway even if you don't do your own reassessment.

**Mr. Leonard:** Now that the values have fallen again are they reassessing us to the lower levels?

**Councilmember Berko:** The value may go up but the rate goes down.

**Councilmember Urner:** You still have a pot of money you have to raise. If you take the total value in the town and divide it into what you need that is the rate that goes out. If you live on the beach you are going to have a higher tax than if you lived inland. When we went through the reassessment there were those who appealed – those decisions were made and it comes back to us. Their taxes are then revised. Probably in October we will get another look at assessments given what is going on in terms of real estate and if things go down they go down and if they go up they go up. We have little control over that. That is all unfortunately county. We are hiring a county assessor who does all that work.

**Councilmember Berko:** We can continue to ask the county for more services.

**Mayor Curtis:** And we do. Every year we build a relationship with them. John gets some money for roads and grants from them. We could do more, that is the biggest chunk of our tax dollar here in Bay Head. I appreciate your question and we will look into it further.

**Maria Perez, 344 Main Avenue:** We think the speed of traffic on Rt. 35 is excessive. I have called the state and spoke with the Chief. My question is, can we put some sort of monitoring device to check this? At five in the morning when there aren't police around or at midnight when you are just sitting on your porch and people are flying by at fifty miles an hour.

**Chief Grace:** Once, they did a study years ago – they put counters out there that told the time and the speed. We can request a study again in the fall.

**Councilmember Berko:** Are we allowed to put the sign out which registers the speed because it is a state highway?

**Chief Grace:** Yes we can put that out there.

**Councilmember Berko:** I don't know how much good it does but it does remind people that they are going over the speed.

**Ellen McCourt, 316 Main Avenue:** My question is safety related to Main Avenue. With the speeding of the cars can we put a cross walk at Karge Street? I was wondering why we can't do that.

**Tom Gage:** I would like to see a joint venture with Council and BHIA for crossing guards to be located at Karge and Howe.

**Mayor Curtis:** We will look into that some more.

**Nancy Hance, 25 Karge Street:** I am concerned with the variances that come before the Council. Our family has owned our home for sixty years. For the last 10 to 18 years we have had an increase amount of water coming into the basement. In the last 15 years we have had in the block four swimming pools installed, driveways installed, concrete walkways, terraces in the backs of yards, concreting between the sidewalk and curb. The increase in the amount of impervious coverage is just incredible. I just think people coming before the town with plans we really need to address this. The one little room in our basement, that has wood floors that was a bedroom, is now being eaten away by water after every major storm. There is just no place for the water to go, so I ask you to look at that when reviewing plans for people.

**Councilmember Barnes:** I can tell you that the Planning Board is very strict and very meticulous in granting variance applications. They are very strict with compliance with the code and making sure that other surrounding properties are not affected by the applicant procedure before the Board. A lot of time and effort and review go into each application and I would say a fair amount of applications are denied for those reasons.

**Ms. Hance:** Perhaps also then to re-look at how much of the property the coverage should be allowed from the gecko then.

**Councilmember Berko:** We did that five years ago. The coverage was reduced to 35% and also included was driveways, sidewalks etc. which wasn't included prior to that. Some improvements don't require a variance and the only way we will know that it is being do is if people let us know.

**Councilmember Green:** Maybe the Environmental Commission can look into that and make a recommendation to the Planning Board.

**Councilmember Barnes:** We had a very heavy snow fall this winter and a very wet spring. The water table this year is very high and that is part of the problem.

**Ms. Hance:** Our issue has been on going for fifteen years.

**Peter Broshek, 209 Osborne Avenue:** Is it possible to get copies of your minutes during the off season?

**Councilmember Barnes:** They are posted on the website.

**Evalyn Shippee, 56 Bridge Avenue:** I am here to ask the Council about Ordinance 2003-6 Section 147-5:4F which deals with hedges, fences and walls. Please see attached letter dated August, 2010 to Mayor & Council from Ms. Shippee. A great percentage of the town, if you look, is in violation of that ordinance. Recently the Zoning Officer gave notification to eight property owners for their trees, shrubs or whatever that was in that setback. One of those properties was at 252 Park Avenue a new house. The old property had huge large ugly trees on it. My son, the current owner, put in trees exactly in line with his

**neighbors and exactly in height with his neighbors. What this ordinance does is either force the Zoning Officer to enforce that law for everyone or not. I am asking you to rescind the ordinance. I don't want to see of the trees, bushes and hedges cut down.**

**Mayor Curtis: You are asking us to look at it.**

**Councilmember Green: I absolutely agree with you. We should not be a three foot tall vegetation greenery. That has to be studied and I would suggest again that Beautification look into it and make recommendations.**

**Ms. Shippee: In Bob's case it is new construction and there is nothing in the ordinance that says anything about new construction or that they were going to be this moving forward, there is nothing in the ordinance about moving forward. The ordinance refers back to 1994 so anybody who planted anything since 1994 is also a shrub violator. He is the only one of the eight who will not be allowed to get a CO for his brand new house as long as he is a shrub violator and it will hold him up.**

**Councilmember Berko: We will have to look at that ordinance. The reason shrubs and hedges are included is because they can be used instead of a fence. The main purpose of that ordinance, I think, is for fences and not have them block site lines. If it is worded improperly we will have to look at it. The intent was not to say that someone couldn't put a tree in their front yard of course because 99% of the town would be in violation.**

**Ms. Shippee: Will you look at it quickly?**

**Councilmember Berko: Yes, Jean is looking at it right now.**

**Mayor Curtis: What we are being faced with is one particular person who is being denied a CO. The point is well taken it is not going to happen tonight.**

**Councilmember Urner: Usually those recommendations come from the Planning Board.**

**Ms. Shippee: This really does apply to the whole town one way or another. My second question is why were these eight people singled out?**

**Councilmember Berko: Where they noticed for the vegetation infringing on the sidewalk or because of site line?**

**Ms. Shippee: I asked Bart specifically who received notification in 2010 under this ordinance and he supplied me with eight names. Someone pointed this out to Bart, according to Bart. I asked how many were sited in the last five year and there were eleven that he gave me. Someone is taking up his time to go look at these things.**

**Mayor Curtis: We will review it quickly.**

**Stan Niedzwiecki, 42 Johnson Street:** When it comes to groins – has any consideration been given to building the east wall instead of fooling around with the groins?

**Councilmember Green:** That is private property, we wouldn't have any jurisdiction. They were built in the 60's and funded by private citizens.

**Councilmember Berko:** They are the worst possible thing for beaches.

**Joanne McAleavey, 541 Lake Avenue:** I would like to thank you for the four way stop sign on Mount and Lake, it was a situation waiting to happen with someone being injured. I feel it is much safer now and I think you did it in a very nice way by telling us it was coming. We have a porch on the second level and see a number of people go through without stopping. It is something we all have to get use to because we are not use to stopping.

**Chief Grace:** We gave out three hundred warnings last month and 270 were from Bay Head and Mantoloking.

**Fred Bifulco, 417 Main Avenue:** Is it feasible to have recyclables picked up at the house. I rent my house and it is difficult for the tenants to obtain stickers to allow them to take the items to the recycle center.

**Councilmember DeFilippis:** Our contract with Waste Management is that they do not pick up recyclables. It would be an added cost. One of the main reasons we have the recycle center is to get people to think more green and making the part of solution and not part of the problem.

**Chip Tillson, Public Works Supervisor:** Stickers are available to renters at the recycle center.

**Jim Burke, 359 East Avenue:** I live between Karge and Harris. I have lived here 21 years and I have seen the beaches come and go – but I have never seen the beach in front of our house this bad, and it is getting worse. I don't really know what the right answer is but I just hope that the Council would come up with something. In the mean time though, the value of our house and all our neighbors is going down. At some point we should get a reduction in our property taxes, which is not what I want. The groin on Karge is as bad as I have ever seen it.

**Councilmember Green:** And it was a particular bad winter with the intense northeasters.

**Jeff Monacelli, 174 Cranberry Avenue:** The town yard, would you consider increase the hours of availability in the spring time for a period of eight to ten weeks until 6 pm on the weekends?

**Mayor Curtis:** We will look at that again.

**Councilmember Berko:** Ms. Cipriani, so you agree the ordinance is being interpreted correctly?

**Ms. Cipriani:** There is some vegetation that would fall within that restriction. I don't agree completely with the presentation as it was given. I don't think that everything is covered there are limitations that weren't discussed. There is some vegetation that would fall within that description.

**Councilmember Berko:** So if we did this it wouldn't have any grandfather implications. It would just be a temporary solution, until we have the new ordinance passed.

**Ms. Cipriani:** If we are suspending consequence for violation then we should put a time period on it either the end of the calendar year or until revised.

**Councilmember Berko:** What we are talking about is that Jean suggested that we could temporarily ...

**Mayor Curtis:** Pass a temporary resolution to allow the CO to be issued if that is the only cause for not having a CO issued until Council looks at and determines what they are going to do with the ordinance. That is what we are talking about. We can do that tonight.

**Bob Shippee:** That would be fine with me. I am not asking for relief from the ordinance only when it is decided – I don't want a conditional denial. We will abide by whatever the ordinance becomes.

**Councilmember Berko:** You will get your CO and then we will look at the ordinance and if it needs to be fixed we will fix it. We are just suspending that as grounds for denying a CO to anyone until we fix the ordinance.

**Ms. Cipriani:**

**RESOLUTION OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO AUTHORIZE EXEMPTION FROM ORDINANCE 147-6 (F) SO AS TO PROHIBIT THE DENIAL OF ANY CERTIFICATE OF OCCUPANCY FOR FAILURE TO COMPLY WITH THAT ORDINANCE THROUGH THE END OF CALENDAR YEAR 2010 OR UNTIL SUCH TIME AS SAID ORDINANCE IS REVIEWED AND REVISED BY THE GOVERNING BODY OF THE BOROUGH OF BAY HEAD**

**Councilmember Berko offered Resolution 2010-93 and moved it be adopted. The 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.**

**Mary Knapp, 1290 Bay Avenue:** I was one of the people who received a notification from Mr. Petrillo. All that it said was that there had been several complaints. I received two notifications within less than a week and when I asked him why he said well you never responded. He also informed me the police told him of the violation. When I went to the Police station they didn't know anything about it. The notification doesn't indicate that the shrub is blocking the view – it says nothing. I want to know why I was one of the eight who received a violation notice. If it is for obstructing view then most of the town is in violation.

**Mayor Curtis:** We will look into this.

**Chief Grace:** Osborne and Bay are both county roads. The county called me one day and I just relayed the message to Bart. That is where it came from.

**Ms. Knapp:** There are a lot of bad corners in Bay Head.

**Mayor Curtis:** This has been a magnificent turn out. I hope that you all learned something. I learned something and that is why we have an official attorney here to tell us we can or can't do something. On behalf of the Council and staff of the Borough I would like to thank all of you who took the time to come out here tonight. I want you to feel encouraged that this is a government willing to listen to you. Whether we do things that you like but that may not always happen but we will try. We will listen and we will be here.

There being no further comments Councilmember Urner moved to approve the vouchers for payment, which motion was seconded by Councilmember Berko 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.

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

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**William W. Curtis, Mayor**

