

August 2, 2010

The regular meeting of Mayor and Council of the Borough of Bay Head was held on August 2, 2010 at 7:00 PM in the Council Chamber 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 Berko moved to approve the regular and executive minutes of July 6, 2010. The motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Mayor Curtis made the following appointment:

**Anthony F. Gargani, Part-Time Sub-Code Plumbing Inspector
Kathleen V. Wintersteen, Alternate #4 Bay Head Planning Board**

Mayor Curtis: In August we will have a second Council Meeting. This will be our third annual Non-Voter Tax Payer Meeting and is scheduled for Monday, August 16th at 7:30 PM.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Green, Parks, Grounds and Recreation: I would again like to thank Councilmember DeFilippis and Chip Tillson for allowing Scooter Applegate to work on our grounds. He is a great addition to our Public Works staff. The Summer Recreation Program is thriving even through the heat in July. The kids love the addition of Kids Fitness. Callie Yeager and her staff are doing a great job. Lastly please remember that the Mayor's Wellness has partnered with the BHIA and the third Water Safety 101 will be held on August 14th at 10 am on Bridge Avenue beach. They do a fantastic job and I would encourage all to attend – kids and adults.

Councilmember Barnes, Public Services, read the Zoning Officer report and the Construction Official report for the month of July. A copy of the report is attached to these minutes. Bart Petrillo our Zoning Official, Code Enforcement Officer and Dune Inspector will be working Fridays as of August 1st. His hours will be Monday through Friday from 9 am to 1 pm.

Councilmember Glass, Public Safety, read the Police Activity report for the month of July and the Bay Head Fire Company No. 1 report for the month of June and July. A copy of the report is attached to these minutes.

Councilmember DeFilippis, Public Works, had no report.

Councilmember Urner, Finance, had no report.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered a request from Project Graduation Committee for Bay Head residents to participate in their Fall Town-Wide Garage Sale on Saturday, September 25 rain date Sunday, September 26. Councilmember Urner moved to approve the request. The motion was seconded by Councilmember Berko and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Mayor Curtis called for Ordinance, First Reading.

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

Councilmember Urner offered Ordinance 2010-14 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 to approve this ordinance on first reading, which motion was seconded by Councilmember Glass. The motion passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for New Business and Resolutions.

Councilmember Berko: Garbage, Dunes, Yellow Curbs – that is my short list.

Councilmember Green: The increase of Bart's hours will help with enforcement. I remain hopeful.

Councilmember Berko: It just seems there is no enforcement.

Mayor Curtis called for New Business and Resolutions.

Councilmember Urner offered Resolution 2010-86 approving the 2009 Municipal Audit – Corrective Action Plan and moved it be adopted. This motion was seconded by Councilmember Glass and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2010-87 extending the statutory due date of the third quarter 2010 tax bills 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 Barnes offered Resolution 2010-88 appointing Anthony F. Gargani as Part-Time Sub-Code Plumbing Inspector 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 Urner offered Resolution 2010-89 amending Resolution 2010-75 providing for salaries and compensation to 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: We discussed this a year ago and I would like Council's input. I have been approached by a group supporting September as Ovarian Cancer month asking for permission to tie teal ribbons in the center of Bay Head.

After discussion by Council and those in attendance, it was decided to refer the group to the Bay Head Business Association.

Mayor Curtis opened the meeting for Public Discussion.

Stan Niedzwiecki, 42 Johnson Street: I would suggest that the Zoning Officer have some afternoon hours instead of all morning hours.

Mayor Curtis: Bart has done that.

Mr. Niedzwiecki: As a follow up to Councilmember Berko – there is definitely no follow up. We have a problem with communication and lack of follow up and enforcement. I also see that you are going into executive session concerning pending litigation. We aren't given any information as to where you are on this issue. I hope we aren't going to settle. You should push this to the limit.

Mayor Curtis: This pending litigation is not related to what you are talking about.

Brian Magory, 1510 Bay Avenue: In reading the Ocean Star last week I was surprised to read that the Planning Board seems to want to avoid the Open Public Meeting Act concerning their discussions on Historical Preservation. It was not a good thing to see in the paper.

Councilmember Green: The committee was formed to have the study done. It is only an education piece.

Mr. Magory: I don't feel everything should be in place before it is brought forward.

Mr. Niedzwiecki: I hope if it comes to an issue it is not resolved or studied in committee level. It should be discussed in an open town meeting.

Mr. Niedzwiecki: I would also encourage residents to make a donation to the Project Graduation Committee concerning their September 25th Town Wide-Garage Sale.

There being no further comments Councilmember Urner moved to approve the vouchers for payment, which motion was seconded by Councilmember DeFilippis 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. 10:4-12, 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 – Personnel

- 3. It is anticipated that the matter discussed will not be made public until thirty days after the decision is rendered.**
- 4. This Resolution shall become effective immediately.**

Councilmember Berko 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 8:09 pm. At 9:08 pm the Governing Body came out of Executive Session and resumed the regular meeting.

There being no further business the meeting was adjourned.

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

William W. Curtis, Mayor