

**February 7, 2011**

**The regular meeting of Mayor and Council of the Borough of Bay Head was held on February 7, 2011 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 him in the Pledge of Allegiance to the Flag.**

**The roll was called for attendance. Present were Mayor Curtis and Councilmembers Green, Barnes, Glass, DeFilippis, Urner and Borough Attorney, Jean L. Cipriani. Councilmember Berko 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 Asbury Park Press*.**

**Councilmember Glass offered Resolution 2011-27 confirming and ratifying the suspension of Charles B. Grace, Jr. from the position of Chief of Police of the Borough of Bay Head and moved it be adopted. This motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Glass offered Resolution 2011-28 appointing Lieutenant Robert Hoffman as Acting Chief for the Borough of Bay Head Police Department on a temporary basis and moved it be adopted. This motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Mayor and Council congratulated Acting Chief Hoffman.**

**Mayor Curtis introduced and thanked Deputy Chief Michael Mohel for his help.**

**Mayor read a Proclamation endorsing *NEA's Read Across America* and *Read Across America-NJ* on March 2, 2011. A copy of the Proclamation is attached to these minutes.**

**Councilmember Glass moved to approve the reorganization and regular minutes of January 3, 2011. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Barnes, Glass, DeFilippis, Urner. NAYS: None. ABSTAIN: Green.**

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

**Councilmember Green, Parks, Grounds and Recreation:** Our engineer will be conducting a feasibility study at the tennis courts as well as at Howe Park. In the past only repairs have been done. We are hopeful to properly restore and renovate the courts and the field. I will be reviewing grants that are available to cover the costs. Also, I will be attending a workshop concerning potential amendments to the capital rules.

**Councilmember Barnes, Public Services,** read the Zoning Officer report and Construction Official report for the month of January. A copy of the report is attached to these minutes.

**Councilmember Glass, Public Safety,** read the Police Activity report and the Bay Head Fire Co. #1 report for the month of January. A copy of the report is attaches to these minutes.

**Councilmember DeFilippis, Public Works:** All work on the sanitary sewer system from Bridge Avenue to Johnson Street is complete except for a small eight foot section. More work on our sanitary sewer system is planned throughout the town to update our system which is 60 to 70 years old. We have received a credit of \$44,000 for 2009 and \$18,000 for 2010 from the Ocean County Utilities Authority. The projects completed have helped control water intrusion. We were recently notified of receiving a \$200,000.00 DOT Grant for 2011. This grant will allow repairs to several streets beginning in the fall.

**Councilmember Urner, Finance:** When the Chief was no longer Chief we called in our auditor to conduct and audit. The audit is in it's final stages and once it is finalized the results will be turned over to the county. Our auditor, Mr. Hulsart, is working with us on our 2011 budget. We are trying not to raise taxes. We are also restricted by State to a 2% cap. The Finance Committee will meet on Thursday. We are hoping to introduce the 2011 Budget on March 7<sup>th</sup> with our public hearing scheduled on April 11<sup>th</sup>.

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

**Mrs. Applegate offered a request from Clean Ocean Action hosting the 26<sup>th</sup> Annual Beach Sweeps on Saturday, April 30<sup>th</sup> and Saturday, October 22<sup>nd</sup> 2011 from 9 am to 12:30 pm. Councilmember Urner moved to approve the request. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Mrs. Applegate offered a request from National Multiple Sclerosis Society's New Jersey Metro Chapter hosting the "Coast the Coast" Bike MS Ride on Saturday, May 21<sup>st</sup> and Sunday, May 22<sup>nd</sup> 2011. Councilmember Urner moved to approve the request. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

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

**Councilmember Urner offered Ordinance 2011-01 entitled:**

**AN AMENDMENT OF ORDINANCE 2008-19  
ESTABLISHING SALARY, WAGES, HOLIDAY, SICK  
LEAVE, VACATIONS AND OTHER BENEFITS FOR  
THE POLICE DEPARTMENT 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 Glass.**

**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: Barnes, Glass, DeFilippis, Urner. NAYS: None. ABSTAIN: Green.**

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

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

**Councilmember Urner offered Resolution 2011-20 designating official depositories for the Borough of Bay Head and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Barnes offered Resolution 2011-21 authorizing the execution of a Policy Endorsement with Monumental Life Insurance Company as administered by Bollinger Insurance Solutions for Group Dental Service Plan Coverage and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2011-22 appointing Robert A. Hulsart, C.P.A. and R.M.A. of the firm Robert A. Hulsart & Company as Borough Auditor and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember DeFilippis offered Resolution 2011-23 authorizing the submission of the 2011 Community Development Block Grant Program application and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Barnes offered Resolution 2011-24 appointing Roberta A. Burcz, Esq. as Public Defender and moved it be adopted. This**

**motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Barnes offered Resolution 2011-29 appointing Carmine R. Villani, Esq. as Alternate Public Defender and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2011-25 amending Resolution 2011-17 providing for salaries and compensation of the Police Department and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2011-26 authorizing transfer #5 in the 2010 Municipal Budget and moved it be adopted. This motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember DeFilippis offered Resolution 2011-30 appointing John R. LeCOMpte, P.E. of Remington, Vernick & Vena Inc. as Borough Engineer for 2011 and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Barnes offered Resolution 2011-31 awarding Peddler's License for the Year 2011 to Thomas Vaughan for an ice cream truck and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: 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.**

**Stan Niedzwiecki, 42 Johnson Street: Talking about the budget and the limit of only a 2% increase – please think about reducing the budget. I am looking for a reduction.**

**Councilmember DeFilippis: If you reduce the budget year by year certain things aren't going to get done. We are trying to replace or repair our sanitary sewer system which is 60 to 70 years old. The expense is justified by the reduced bill we have to pay to the Ocean County Utilities Authority.**

**Mr. Niedzwiecki: Please look into reducing health coverage, look at the budget with an open mind.**

**Councilmember Green:** We are eligible for an energy audit grant which improvements will reflect reduced costs.

**Mr. Niedzwiecki:** I would also like you to consider providing counseling to Charles Grace – he worked for us for 27 years.

**Ben Hinds, 148 Bridge Avenue:** I would like to know if anything can be done to have sidewalks cleared within a certain period of time after a snow storm. Our school is a walking district. I also understand that many residents not here year round but it makes it difficult and very dangerous for the children walking to school.

**Mayor Curtis:** That is a dilemma. 70% of our residents aren't here year round.

**Councilmember Green:** We were speaking at our recent Mayor's Wellness Committee meeting. To have access to safe roads the snow is thrown on the sidewalks. Out of town residents may have to deal with snow removal.

**Tom Gage, 49 Twilight Road:** Last winter it was suggested that the steps up to the beach be cleared. In a joint effort with BHIA and the Borough an outside contractor has been employed to shovel the steps up and down after a snow storm. I would like to thank Mayor and D'Arcy for their help with this issue. Hopefully there will be suggestions made to solve the snow removal on Borough sidewalks.

**Mr. Niedzwiecki:** Back to Chuck.

**Mayor Curtis:** I will look into it.

**Councilmember Urner** moved to approve the vouchers for payment, which motion was seconded by Councilmember DeFilippis and passed on roll call vote. **YEAS:** Green, Barnes, Glass, DeFilippis, Urner. **NAYS:** None.

**Councilmember Glass** 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 personnel matters and matters of attorney/client privilege:

**Litigation – Grenville  
Personnel**

3. It is anticipated at this time the above stated subject matter will not be made public at any foreseeable time in the future.
4. This Resolution shall become effective immediately.

**Councilmember Glass moved this resolution be approved. The motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**The Governing Body went into Executive Session at 7:52 pm. At 8:34 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**