

March 7, 2011

The regular meeting of Mayor and Council of the Borough of Bay Head was held on March 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 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 Asbury Park Press* and *The Ocean Star*.

Councilmember Glass moved to approve the regular and executive minutes of February 7, 2011. The motion was seconded by Councilmember Green and passed on roll call vote: YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Mayor Curtis made the following appointment:

Benjamin S. Hinds – Environmental Commission Member

Councilmember Green moved to approve the appointment which was seconded by Councilmember Berko and passed on roll call vote: YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Green, Parks Grounds and Recreation: The regular meeting of the Environmental Commission has been rescheduled for March 22, 2011 at 7:30 pm. There will be a community clean up of Twilight Lake on April 17th.

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

Councilmember Glass, Public Safety, read the Police Activity report for the month of February. 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 the following:

A request from Project Graduation Committee for Bay Head residents to participate in the Spring Town-Wide Garage Sale on Saturday, June 4th with a rain date of June 5th and the Fall Town-Wide Garage Sale on Saturday, October 1st with a rain date of October 2nd

Request from Point Pleasant P.B.A. Softball team to use Howe Park Tuesday evenings from April 9th to September 20th from 5:30 pm to 8 pm

Request from Bay Head Business Association to use Centennial Park on Saturday, June 11th with a rain date of June 12th for Art in the Park

Request from Kate Shea Foundation to hold the 8th Annual Bay Head 5K Memory Run on Saturday, May 21st with a 8:30 am race start time

Request from Seaweeders Garden Club of Bay Head and Mantoloking to use the heated garage at the Borough Garage on Friday, April 29th to prepare plants for their May Day Project

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

Mayor Curtis called for Ordinance, First Reading.

Councilmember Urner offered Ordinance 2011-02 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD OCEAN COUNTY, STATE OF NEW JERSEY, TO EXCEED THE 2011 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:5-45-14)

Mayor Curtis: The second reading and public hearing will be at the next meeting April 11th.

Mayor Curtis called for Unfinished Business.

Councilmember Barnes: The Employee Handbook is presently being revised to include a social network policy.

Councilmember DeFilippis: I get e-mails here at the office and at home.

Councilmember Barnes: The intent is that employees aren't to use their social network accounts at work.

Ms. Cipriani: This would not affect you at all.

Mayor Curtis called for New Business and Resolutions.

Councilmember Barnes offered Resolution 2011-32 confirming and ratifying the suspension of John J. Helmstetter from the position of Electrical Sub-Code Inspector for the Borough of Bay Head 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 Barnes offered Resolution 2011-33 appointing Eric J. Sudia as Acting Part-Time Sub-Code Electrical Inspector for the Borough of Bay Head 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 2011-34 amending Resolution 2010-115 providing for Salaries and Compensation of Borough Officials and Employees for 2011 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.

Councilmember Berko offered Resolution 2011-35 awarding Peddler's License for the Year 2011 to Danny K. Larson for an Ice Cream Truck 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 Berko offered Resolution 2011-36 authorizing the transfer of a 1962 Jeep to Brick Township Office of Emergency Management 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 2011-37 Introduction of the 2011 Municipal Budget 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 Berko offered Resolution 2011-38 awarding a Peddler's License for the Year 2011 to Albert J. Castrovillari for an Ice Cream Truck 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 2011-39 authorizing the refund of escrow deposits 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 2011-40 authorizing refunds for overpayments of property or sewer taxes 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 2011-41 authorizing the execution of 2011 annual Software Support Agreement with Edmunds & Associates 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 Barnes offered Resolution 2011-42 authorizing the execution of an Agreement with Lexis/Nexis for Online Research Services 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 2011-43 authorizing the Self-Examination of the 2011 Budget 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 Barnes offered Resolution 2011-44 authorizing the refund of a 2010 Building Permit fee 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 2011-45 providing for an Increase of the Bid Threshold to \$36,000.00 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 2011-46 adopting 2011 Temporary Emergency Appropriations #1 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 Green offered Resolution 2011-47 authorizing application be submitted for 2011 Local Government Energy Audit 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.

Mayor Curtis opened the meeting for Public Discussion.

Connie Cardillo, 534 West Lake Avenue: How much for Lexis/Nexis?

Councilmember Barnes: \$45.00 per month.

Ms. Cardillo: What are we going to do about the newspapers thrown all over the neighborhood?

Mayor Curtis: I spoke with them and they were to mail a card to each resident and if you wanted the newspaper you would return the card otherwise they would not deliver.

Ms. Cipriani: It can be littering if they are being left on a vacant lot. In specific circumstances they can be summoned. If contacted by the homeowner they are to stop delivery.

Ms. Cardillo: When the ice cream peddlers pick up their license can they be given the rules.

Ms. Applegate: They are given copies of our ordinance concerning peddlers.

Stan Niedzwiecki, 42 Johnson Street: As to the newspapers – in Westfield they allowed the carrier to put up a box in front of the Post Office so people could take a free paper.

Councilmember Green: Good suggestion.

Mr. Niedzwiecki: We pay into the pension system for our employees – shouldn't we get something back. 366 municipalities aren't paying. The Governor is beating everyone up and we don't get anything for being the good guys.

Councilmember Urner: We save the interest by paying up front.

Ms. Cipriani: There is no extra benefit by following the law.

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

**Patricia M. Applegate, Municipal
Clerk**

William W. Curtis, Mayor