

April 11, 2011

The regular meeting of Mayor and Council of the Borough of Bay Head was held on April 11, 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.

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*.

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.

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

Mayor Curtis opened the public hearing of the 2011 Municipal Budget.

Mayor Curtis introduced Robert A. Hulsart, Auditor, from the firm of Robert A. Hulsart & Company.

Councilmember Urner: There is no increase in the municipal tax rate. It will stay exactly where it was last year. I will guarantee you that there will be a 2% increase the following year. You may have an increase in your municipal tax only because your assessment is up from where it was the year before. Don't be surprised if you get an increase in taxation because of either the county or the school. I know the school is going up less than a penny. It will cost you the taxpayer about \$70.00 for a year or 17 cents a day to have your school here. I went to the School Board meeting and I want to say I think they did a wonderful job with their budget and I urge all constituents to pass that budget when it comes to a vote.

Mr. Hulsart: The only thing I would add is that we are dealing with two spending caps and we are under both caps, the expenditure cap and the 2 % cap. We are in very good financial condition in my opinion.

Councilmember Urner: Tom, we are in no odd investments, hedge funds or anything like that it is all clean.

Tom Jones, 549 East Avenue: Vera and I would like to applaud Councilmember Urner and the finance committee. This is a well crafted budget and it is appropriate for our community in these economic times. I should also applaud Bob Hulsart who, as the Mayor pointed out, has guided us for many years, a job well done in our judgment. I would also like to applaud the finance committee on getting the summation out on the table so the public could read it ahead of time and review the budget. We know there will be some litigation on the horizon. Why did we take the legal budget down?

Councilmember Urner: The problem it is a guess number – it is an estimate. If you take a look at what we spent in prior years we thought it was appropriate that we could drop it down by 10 grand or what ever it is.

Mr. Jones: It went from \$67,000 down to \$60,000. I understand that it was the consensus of the committee but by reading the newspaper my thought is with the Grenville pending.

Councilmember Urner: That piece is already built into it. The fact is that we have overestimated what to put in that line item for several years.

Mr. Jones: So we over estimated last year. Thank you.

Ms. Cipriani: The litigations fees for the Grenville are covered through your insurance.

Stan Niedzwiecki, 42 Johnson Street: With the excellent help you have been giving us over the years – there has to be some areas in the budget which you recognize could have some reduction in costs. Can you give us some idea of where or what that might be?

Mr. Hulsart: I think the budgets of Bay Head traditionally adopt are very frugal budgets and very well thought out. I don't think there is a great deal of room to move, I think if it was the Council would have cut those items out. Again you have to have a little bit of a cushion. You don't know what is going to come up and if you don't spend it, it goes back into surplus. I don't know of any place that you could move. Most of your budget is governed by employees. As long as you have the same number of employees there really isn't a whole lot of room to move.

Mr. Niedzwiecki: With you experiences are our wage scale out of whack with the other towns around us?

Mr. Hulsart: No, I don't think so at all. Basically all the towns look at each other. I think most of them are pretty much the same.

There being no further questions or comments the public hearing on the budget was closed.

Mayor Curtis: I failed to introduce April Yezzi, our CFO who has worked very closely with the finance committee and Mr. Hulsart.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Green, Parks, Grounds and Recreation: The Borough of Bay Head has been named a New Jersey Healthy Town. There are only eleven of them so far. The headline in the release read - An Ocean County Borough was honored in participation in the Mayors' Wellness Campaign. This was in celebrating the great work the great work that the Mayors' Wellness Committee, Go Bay Head has done over the course of the year and met the criteria as laid out by the State's Mayors' Wellness Campaign in cooperation with New Jersey Institute of Health. We did a lot last year and we intend to have a lot of activities going on throughout the course of the summer right up through the fall, cumulating in a terrific day on October 1st partnering once again with the Bay Head School and the Shark 5K. Thanks so much for your leadership Mayor and your support of the program, the committee is grateful for that and we look forward to all the work ahead of us. There will be a flag presentation given by the State Director on May 2nd before the Council meeting. I am inviting all of you to join us outside of Borough Hall to raise that flag.

Mayor Curtis: I can't say enough – if we had all the committees in Bay Head work as hard and to be as enthusiastic as this Mayors' Wellness Committee in this town I could go away for a whole year and nothing would go wrong. Our compliments to that committee which you are the liaison of, it is very appropriate.

Councilmember Green: Thank you. I would also like to say there is a change in the date for the Twilight Lake Clean Up. It will not be April 16th. We are moving it to April 30th at 9 am meeting at the north end of Twilight Lake. I would like to give a shout out for our public works the grounds are looking great. Bill has made great strides. I very much appreciate, as does the Bay Head Beautification Committee who works closely with the guys within our public works.

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

Councilmember Glass, Public Safety, read the Police Activity report for the month of March. A copy of the report is attached to these minutes.

Mayor Curtis: When will big blue be removed?

Chief Hoffman: I was told this Wednesday morning 10 am.

**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:

- 1. Request form St. Paul's United Methodist Church for**

permission to use Centennial Park and the Borough restrooms for a Community Easter Egg Hunt on Saturday, April 23, 2011 from 9 am to 1 pm

2. Request from B.H.I.A. for permission to use the Council Room on Friday, June 17th from 4 to 7 pm and Thursday, August 18th from 7 to 10 pm
3. Request from Bay Head School to use Howe Park for girl's softball team practices and games weekdays April 8th thru June 4th from 2:30 to 5:30 pm
4. Request from Point Pleasant Soccer to use Howe Park for Practice Wednesday thru Friday April 4th thru June 22nd from 4 pm to dusk
5. Request from Point Pleasant Golden Elks Pop Warner to use Howe Park for practice Monday thru Friday August 1st thru November 24th from 5:30 to 8 pm
6. Request from Bay Head School Foundation to conduct their Annual Duck Derby fundraiser on Saturday, October 1st
7. Request from Point Pleasant First Aid and Emergency Squad for permission to hold a Coin Toss on Saturday, June 18th and Saturday, August 13th from 9 am to 4 pm
8. Request from Go Bay Head Committee in support of Mayors' Wellness Campaign for permission to use Centennial Park parking lot (rear parking lot, south of Police Station) for the proposed Farmers' Market to be held Saturday mornings June 18th thru September 24th

Councilmember Urner moved to approve the requests. This 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 or Second Reading, Public Discussion and Vote.

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:4-45.14)**

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

Mayor Curtis called for Ordinance, First Reading.

Councilmember Urner offered Ordinance 2011-03 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE BOROUGH OF BAY HEAD AND APPROPRIATING \$923,700 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$877,515 IN BONDS OR NOTES OF THE BOROUGH OF BAY HEAD TO FINANCE THE SAME

Councilmember Urner moved to approve this ordinance on first reading, which motion was seconded by Councilmember DeFilippis.

The motion passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Unfinished Business.

Councilmember DeFilippis: There was a break of the main water line that services the west side of Bay Head. Temporary repairs have been done which consists of an eight inch water line above ground across the bridge on Bridge Avenue. This temporary fix will continue until the fall when NJAW will install a new water line pipe. As a result of this we will lose six parking spaces this summer on Bridge Avenue. Concerning the repaving of Route 35, I speak with DOT every two weeks as to the progress. A new gas line is being installed and that will be the last utility work required prior to the start of the project. NJAW installed a new water line last year. All that is left is for the State to get approvals from DEP. The design has been completed and funding has been approved. Work should start late this year. We now have to install clean outs to inspect the laterals. The design work has been finished and we will start work when the budget and bond ordinance has been adopted. Work will start in July. Lastly, the building being constructed at public works by the BHIA is complete. This structure will protect their equipment.

Mayor Curtis: We have had a number of complaints concerning the delivery of the Community Reporter to properties in Bay Head. They are a clear indication that no one is home. I called and was told that a post card would be sent and to authorize delivery the card would have to be returned. Apparently this has not been done. If you do not want the free paper delivered to your property call Glen Murphy at 732 423-2274. If you continue to receive the paper let me know. Years ago NJ Transit tried to build a huge building in the loop. Through the efforts

of the Quality of Life Committee, Sue Shore, John Berko, Art Petracco and our attorney we hired this was stopped. The present committee consists of Sue Shore, Bev Furze and Stan Niedzwiecki. The police continue to patrol the area. We have not gotten to the point that we have had a second fire, the source of the fire to be unfounded; therefore no blame and the residents are left on their own to deal with NJT. We have reached out to Senator Andrew Ciesla and also gone to the top person at NJT. I received a call today and I believe things will be much better. I will take help from anybody. The area of the fire is to be addressed with the growth cut back. Hopefully a fire will not occur again. NJT is responding and I am pleased.

Councilmember Green: The newspaper delivery is a litter and a security concern. Could a letter be generated from Borough Hall to the residents or notice placed on the web site?

Mayor Curtis: Good suggestion – we will place in on the web site.

Mayor Curtis called for New Business and Resolutions.

Councilmember Urner offered Resolution 2011-48 approving the 2011 Municipal Budget and moved it be adopted. The 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 2011-49 approving the submission of the Tonnage Grant 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 Green offered Resolution 2011-50 awarding a contract to Touch of Grass Landscaping 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 Urner offered Resolution 2011-51 authorizing refunds for overpayment of 2nd quarter 2011 property taxes due to receipt of 2011 Homestead benefit 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 2011-52 awarding Peddler's License for the year 2011 to Patrick McCracken 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.

Councilmember Urner offered Resolution 2011-53 authorizing the refund of escrow deposits 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.

Mayor Curtis opened the meeting for Public Discussion.

Stan Niedzwiecki: At the last meeting the Community Reporter came up and there was a suggestion to write and have them place a stand in front of the post office.

Mayor Curtis: That was overlooked; I will take care of it this week.

Mr. Niedzwiecki: The papers also clog up the storm drains. As to the lawn service – are you satisfied with the clippings they leave on the street?

Councilmember Green: I appreciate your comment and I will work with Chip to speak with them.

Doreen Duggan, 40 Harris Street: I have a drainage problem. I went to Doug and Bart in the building department and they indicated that Route 35 is a state road and they can't do anything. The problem comes from a home at 352 Main Avenue which pumps water to the street which runs south and continues west on Harris Street to the storm drain on Lake Avenue. Our home is on the corner of Main and Harris. Often times the water is six feet wide on Harris making it difficult for us to get out of our car. I am hopeful when the road work is done on Route 35 (Main Avenue) this problem will be resolved. The worst is in the winter when the water freezes.

Mayor Curtis: We will look into that and get an answer back to you.

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: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A list of the vouchers is attached to these minutes.

The meeting was adjourned.

Patricia M. Applegate, RMC
Municipal Clerk

William W. Curtis, Mayor