

May 2, 2011

The regular meeting of Mayor and Council of the Borough of Bay Head was held on May 2, 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*.

Mayor Curtis: At this time it gives me a great deal of pleasure to announce that Bay Head has been named a Healthy Town by the New Jersey State Mayor's Wellness Campaign. Bay Head is the first shore community and the 11th community in the state to earn this designation. Bay Head has a very aggressive committee and one that has put together a program for our children, our seniors, our middle aged people to make us all healthy. We are very fortunate to have had Emily Littman guide us and at this time she will make a presentation.

Emily Littman presented a banner stating "New Jersey Healthy Town, Mayor's Wellness Campaign, Put Your Community In Motion" to Mayor, Council and the Bay Head Mayor's Wellness Committee.

Councilmember Glass moved to approve the minutes of April 11, 2011. The motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. ABSTAIN: Berko.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Green, Park, Grounds and Recreation: I would also like to thank the Mayor's Wellness Committee for all their work and Mayor and Council for your support. Walking Wednesday program to encourage students to walk or bike to school was a tremendous success and will continue through June 15. I would also like to thank everyone who participated in Clean Ocean Action Beach Sweep held on April

30th. Twilight Lake clean up will take place on May 7 at 9 am rain or shine.

Councilmember Barnes, Public Services, read the Zoning Office Report and the Construction Official report for the month of April. A copy of the report is attached to these minutes. She also reminded everyone of the summer garbage pick-up schedule which began May 1st. Bridge Avenue and north will be picked-up Tuesday and Friday. South of Bridge Avenue will be pick-up Monday and Thursday.

Councilmember Berko: If people would just put their garbage in their cans it would disappear and it wouldn't matter what day they came.

Councilmember Glass, Public Safety, read the Police Activity report and the Bay Head Fire Co. report for the month of April. A copy of the report is attached to these minutes.

Mayor Curtis: The thefts came from unlocked cars. Please remember to lock you cars.

Councilmember Barnes: Also remember to lock your bikes.

Councilmember DeFilippis, Public Works: The 8" water line breakage on Bridge Avenue had a temporary fix with the pipe being run above ground across the bridge on Bridge Avenue. We have decided that a more permanent repair needs to be done so a 6" liner will be run through the old 8" pipe. We have encountered come problems but eventually the above ground pipe will be removed.

Councilmember Urner, Finance, had no report.

Mayor Curtis: Bulk pick-up will take place Monday, May 23rd. Each property is allowed to place out five items. The Town Wide Garage Sale will take place June 4th with a rain date of Sunday, June 5th. Sign up sheets are available in the Clerk's office and a donation of \$20.00 will go to Project Graduation.

Councilmember Berko: Bulk items should be placed so they don't block the street or sidewalk. Recycle items should go to public works.

Councilmember Green: We also recycle electronics, so could we remind Waste Management not to pick them up.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

- 1. Request from Bay Head Business Association for permission to use the Council Room on May 9, June 13, September 12, October 17 and November 14 for their business meeting from 5:30 to 7 pm**
- 2. Request from Bay Head Historical Society for permission to**

use the Council Room on Saturday, June 11th from 10 am until noon for it's annual membership meeting

3. An application for Raffles License from Bay Head School Foundation for On Premise 50/50 to be held October 1st between 9 am and 3 pm in Centennial Park
4. An application for Raffles License from Bay Head School Foundation for Off Premise merchandise raffle to be held October 1st between 9 am and 3 pm in Centennial Park
5. Request from Bay Head Home & School Association to hold their annual Shark Run 5k on Saturday, October 1st

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

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

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 the ordinance be adopted on second and final passage. The motion was seconded by Councilmember DeFilippis.

Mayor Curtis opened the meeting to the public for a hearing on this ordinance.

Connie Cardillo, 534 West Lake Avenue: What are they doing to the tennis courts?

Councilmember Green: There are no plans at this time we have only had the survey done.

Ms. Cardillo: What s the goal for Howe Park?

Councilmember Green: A total renovation. We also plan to do a total redo of the tennis court when we have raised the capitol.

Councilmember DeFilippis: Do we have a break down of the usage of Howe Park?

Ms. Applegate: Yes.

There being no further 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.

Councilmember Urner: I am waiting for my yellow line on the corner of Johnson and Clayton.

Councilmember DeFilippis: I will do it under duress. Chief what do you think?

Chief Hoffman: I think it is helpful to have it there.

Councilmember Glass: The fire hydrant markers have been installed. Please warn children that they are not toys.

Councilmember Barnes: I would like to remind all residents to cut back the foliage that is in the site triangle. This ordinance was adopted December 2010 and will be enforced.

Mayor Curtis: NJ American Water Company is installing a water line on NJ Transit property. The line will provide a loop which will increase the water pressure to the neighborhood. The equipment is being used to house the water until it is treated prior to being returned to the property. This project should be completed within the next three weeks. There are no chemicals or gases – strictly water.

Councilmember Berko: Dick LaBonte was my running mate when I first ran for Council. He was a great man and will be missed.

Mayor Curtis: Dick LaBonte passed away last week and his memorial service will be held in August.

Mayor Curtis called for New Business and Resolutions.

Councilmember DeFilippis offered Resolution 2011-54 exercising the option to extend the initial Solid Waste Collection Service contract with Waste Management of New Jersey 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 2011-55 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 DeFilippis offered Resolution 2011-56 authorizing the execution of a Schedule C Agreement with the County of Ocean Road Department 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 DeFilippis offered Resolution 2011-57 authorizing the reimbursement to resident for expense of clearing a sewer blockage for Block 74, Lot 9 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 Barnes offered Resolution 2011-58 adopting a Social Networking Policy to be included in and annexed to, the Borough Employee Handbook 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.

Mayor Curtis opened the meeting for Public Discussion.

Brian Magory, 1510 Bay Avenue: John I am pleased with the water solution on Bridge Avenue. They are going to sleeve the old pipe. What will the final repair be?

Councilmember DeFilippis: The temporary repair was to bypass – which turned out to be a bad move. We have two options – run a new line from Park Avenue to Lake Avenue roughly 560’ 13’ feet underground or leave it the way it is. We decided to use the old pipe and line it with a 6” new line which could be sufficient to be a permanent fix – if we don’t have any problems.

Mr. Magory: Will the 6” line be sufficient?

Councilmember DeFilippis: Yes.

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 personnel matter and matters of attorney/client privilege.**

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

The Governing Body went into Executive Session at 8:00 pm. At 8:30 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