

July 5, 2011

The regular meeting of Mayor and Council of the Borough of Bay Head was held on July 5, 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* and *The Ocean Star*.

The roll was called for attendance. Present were Mayor Curtis and Councilmembers Berko, Green, Barnes, DeFilippis, Urner and Lauren Staiger, Esq. Councilmember Glass was absent.

Councilmember Urner moved to approve the regular and executive minutes of June 6, 2011. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None.

Mayor Curtis made the following appointments:

**Daniel George Lokerson, SLEO CLASS II
Robert Knight Sherman, SLEO CLASS II**

Mayor Curtis: I would like to invite everyone to join me this Thursday, July 7 at 9 am for the first WALK BAY HEAD which will be around Centennial Park. There will be four additional walks with different guest speakers covering different areas of town. This is connected to the Mayor's Wellness Campaign and Bay Head a Health Town. Please check the web site for the schedule.

Mayor Curtis: This spring at the Mayor's Conference I entered a drawing "Charity of Choice" sponsored by NJ American Water Company, to win \$1,000.00 for a charity of my choice. I did this in the name of my grandson. The charity of my choice is the Bay Head Fire Company. My grandson loved the fire company and on one Christmas Eve they took him on a ride on the truck which was a thrill for him.

New Jersey American Water Government Affairs representative Kevin Watsey presented the check \$1,000 to Mayor Curtis.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Green, Parks, Grounds and Recreation: Today was the first day of our Summer Recreation Program. We have all new staff lead by Ms. Melissa Kiss teacher in the Bay Head School. Callie Yaeger the former coordinator relocated, she will be missed. Today was a fabulous start to the program.

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

Councilmember Barnes read the Police Activity report for the month of June. 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 introduced Lauren Staiger covering for Borough Attorney, Jean Cipriani.

Mayor Curtis called for Clerk's Coorespondence.

Mrs. Applegate offered the following:

- 1. Request from Point Pleasant Soccer Club to use Howe Park for practice August 2nd thru November 26th, 2011 on Tuesday thru Friday from 4 to 5:30 pm and Saturday from 8 am to 5 pm**
- 2. Request from St. Paul's United Methodist Church for permission for the closure of West Lake Avenue between Park Avenue and Bridge Avenue on Saturday, July 23rd between 9 am and 4 pm**
- 3. An application for Raffles License from Bay Head Fire Co. No. 1 for off premise 50/50 to be held on August 20, 2011 between 12 and 5 pm**
- 4. An application from Bay Head Fire Co. No. 1 for Special Permit for Social Affair for event to be held at the Bay Head fire house on August 20, 2011**

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

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

Councilmember DeFilippis offered Ordinance 2011-04 entitled:

**AN ORDINANCE SUPPLEMENTING SECTION 222-26
(SCHEDULE VIII: HANDICAPPED PARKING) OF
CHAPTER 222 (VEHICLES AND TRAFFICE) OF THE
CODE OF THE BOROUGH OF BAY HEAD, OCEAN
COUNTY, NEW JERSEY, TO ESTABLISH A HANDICAPPED
PARKING SPACE AT 122 BRIDGE AVENUE**

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

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

Mayor Curtis called for Ordinance, First Reading.

Councilmember Barnes offered Ordinance 2011-05 entitled:

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE MUNICIPAL
CODE OF THE BOROUGH OF BAY HEAD, SO AS TO
AMEND CHAPTER 66, ENTITLE "ALCOHOLIC
BEVERAGES"**

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

Councilmember Barnes: Our existing ordinance only deals with under aged drinking on public property. We need to include private property and that is what this ordinance does. We received this request to amend our ordinance from Chief Hoffman on June 23rd.

Chief Hoffman: We presently don't have any teeth to deal with the underage 21 house party.

Councilmember Barnes: There is a monetary fine as well as suspension of driving privileges attached to this ordinance.

Councilmember Berko: The suspension seems to be significant. What is the penalty if you don't have a license or never intend to obtain one?

Ms. Staiger: The penalty and suspension is what is permitted under state statute.

Councilmember Berko: Do we need to have our own? Isn't it covered under the state?

Ms. Staiger: Without this ordinance the police are unable to write a summons.

Councilmember Green: The problem seems to be with the suspension of their license but no penalty if you don't have a license.

Ms. Staiger: The penalty is for those who currently have a license or the postponement when they do become of age to obtain a license.

Councilmember Green: How may years after the fact?

Ms. Staiger: I don't know.

Councilmember Green: This is a very serious ordinance – having just received it last night. We have to get it right and I am not comfortable going forward this evening. I would like to invite Connie Cardillo who deals with juveniles to review and give us her comments and suggestions.

Councilmember Berko: We also need to speak to the prosecutor.

Ms. Staiger: The wording is from the state statute and if it is challenged the state would defend it.

Mayor Curtis: If it is held off tonight and introduced on August 1 it could be adopted at the August 15th meeting.

Councilmember Urner: This is a very serious problem and we are losing the entire summer.

Ordinance 2011-05 was denied on first reading on roll call vote. **YEAS:** Barnes, Urner. **NAYS:** Berko, Green, DeFilippis. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Unfinished Business.

Councilmember Barnes: I am working on a cell phone policy.

Mayor Curtis called for New Business and Resolutions.

Councilmember DeFilippis offered Resolution 2011-76 authorizing the execution of a Subrecipient Agreement with the Board of Chosen Freeholders of Ocean County in Connection with the Community Development Block Grant to be use for Handicapped Access to Municipal Facilities and moved it be adopted.

Councilmember Urner: Do we own the fire house?

Councilmember DeFilippis: It is listed as a building in the municipal complex. It complies with the filing.

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

Councilmember Barnes offered Resolution 2011-77 appointing Daniel George Lokerson and Robert Knight Sherman as Part Time SLEO Class II and moved it be adopted. This motion was seconded by Councilmember Berko and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2011-78 approving the 2010 Municipal Audit – Corrective Action Plan and moved it be adopted. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2011-79 providing for the engagement of payroll service provider and moved it be adopted. This motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis turned the meeting over to Council President DeFilippis.

Councilmember Berko offered Resolution 2011-80 approving the renewal of a Plenary Retail Consumption License issued to H & R Grenville Fine Dining, Inc. for the 2011-2012 license term and moved it be adopted. This motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Berko, Green, Barnes, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Council President DeFilippis returned the meeting to Mayor Curtis.

Mayor Curtis opened the meeting for Public Discussion.

Robert Hein, 204 East Avenue: I agree with the proposed ordinance concerning under aged drinking but I don't see the punishment of the suspension of their license. Do the police need a reason to go into a home?

Chief Hoffman: We can get in but we have no way to charge them. Two years in a row a home on Osborne Avenue have had parties for under aged children. We did charge them under our unlawful conduct statue but the Judge dismissed because it didn't fit.

Councilmember Green: Aren't there state laws that the parents are responsible.

Councilmember Berko: The kids don't care if the parents are charged. When this happened last year would have been the time to bring it to our attention so we would have had the winter to review and consider it.

Connie Cardillo: They must be 18 years of age to be given Community Service unless it is enforced through the school.

Councilmember Green: I would like to see Connie work on this ordinance with us.

Brian Magory, 1510 Bay Avenue: I feel the ordinance as presented was worded quite appropriately.

Connie Cardillo: We handle all charges of those under 18.

Mayor Curtis: This needs to be discussed in committee and reintroduced on August 1st.

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, 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