

November 2, 2009

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on November 2, 2009 at 7 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 with 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 Ocean Star*.

Councilmember Glass moved to approve the regular minutes of October 19, 2009. The motion was seconded by Councilmember Berko and passed on roll call vote. YEAS: Berko, Glass, DeFilippis. NAYS: None. NOT VOTING: Green, Barnes, Urner.

Mayor Curtis informed everyone who was in possession of old prescription drugs to drop them off at the Bay Head Police Department for disposal. Police Departments have been designated as the mandatory drop off point. If you have any questions please go to the web site entitled www.medicinecabinet.com.

Mayor Curtis also announced the annual Christmas in Bay Head celebration to be held December 4th, 5th and 6th and encouraged all to attend.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Green, Parks, Recreation & Environmental: I would like to thank all residents, neighbors and friends who participated in the Clean Ocean Action Beach Sweep. Dune grass will arrive on Friday, November 6th and will be available along with snow fencing for installation on the dunes. Please call public works to reserve the dune grass. I would also like to appeal to any citizens or groups available to plant the grass at the street ends during the next few weekends. We are also in the process of trying to tidy the north end of Twilight Lake where a number of boats have been abandoned. Notices have been posted requesting the boats to be removed by the end of November.

Next year boats will have to be registered before they can be placed by the lake.

Councilmember Urner: Chief, is there any way to track the owners by the registration?

Chief Grace: Yes.

Councilmember Green: There are no numbers on the boats but a few do have an address.

Councilmember Berko: The dune grass or snow fence shouldn't be planted or placed at the toe of the dune. The recommendation for fencing is about four feet up the dune.

Councilmember Barnes, Public Services: We have drafted a notice, to be sent to all property owners in the next mailing, requesting e-mail addresses of all taxpayers in town. This will allow the Chief to send notices of upcoming storms or street closings. The Finance Office has also requested the addresses to notify tax payers of due dates. The form will be available at the end of the week.

Ms. Cipriani: There should be a box to be checked so that their e-mail address is not releasable if requested under OPRA.

Councilmember DeFilippis: How does this tie into the reverse 911?

Chief Grace: It doesn't. The reverse 911 is very costly because we do not have a 24 hour dispatcher. This notification would be free.

Councilmember Urner: This is the first I heard tax will remind residents of taxes due.

Councilmember Barnes: I was contacted by April Yezzi to include that in the notice.

Councilmember DeFilippis: I take issue with that also. We shouldn't have to remind people of their taxes.

Councilmember Urner: They get a tax bill. It is not up to us to baby sit them. I will take it up with April.

Councilmember Green: I agree with Jim and John with reminding people to pay their bill. It just adds another thing for finance to be doing.

Mayor Curtis: Let us digest it for a month.

Councilmember Glass, Public Safety, read the Police Activity Report for the month of October. A copy of the report is attached to these minutes. I would also like to thank the Police Department for keeping the town safe and quiet for Halloween.

Councilmember DeFilippis, Public Works, had no report.

Councilmember Urner, Finance, had no report.

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

Councilmember Berko offered Ordinance 2009-10 entitled:

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 222
OF THE BOROUGH CODE ENTITLED “VEHICLES
AND TRAFFIC” SO AS TO AMEND AND SUPPLEMENT
ARTICLE II, ENTITLED, “PARKING”**

Councilmember Berko 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 comment or question, 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: We have guests in attendance so I am going to veer from the agenda somewhat and called for Resolutions.

Councilmember Barnes introduced Casey Loundy a senior at Point Pleasant Beach High School who contacted the Borough requesting them to declare Bay Head a Military Friendly Town.

Ms. Loundy addressed Council given them the background for her request.

Councilmember Barnes offered Resolution 2009-93 declaring that Bay Head is a Military Friendly Town 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.

Mayor Curtis presented a certified copy of Resolution 2009-93 to Ms. Loundy.

Councilmember Barnes introduced President Flo Melo of the Point Pleasant First Aid and Emergency Squad and Officer Chet Lloyd. They spoke on the history of the squad.

Councilmember Barnes offered Resolution 2009-94 honoring the Point Pleasant and Emergency Squad on its 80th Anniversary 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 presented a certified copy of Resolution 2009-94 to President, Flo Melo and Officer Chet.

Mayor Curtis called for Unfinished Business.

Mayor Curtis stated he would like to encourage Council to take advantage of this part of the agenda which would help to inform the residents as to what happens to things we discuss in executive session or other items that maybe by committee have a resolution. I feel this is a very important part of our agenda and I would encourage you to utilize it.

Councilmember Berko: The items discussed and resolved in executive session was the Solid Waste Contract which was awarded to Waste Management, a full time finance assistant which position was filled, the position of Court Administrator and Deputy Court Administrator which positions were filled, DEP penalty which was approved at the last meeting by Resolution and COAH which is on going.

Councilmember Barnes: What is the status with the raccoons?

Chief Grace: It has calmed down. Last week we had two but Jack thinks the worst is over.

Councilmember Barnes: What about the cats?

Chief Grace: I don't have anything on the cats.

Councilmember Berko: I would ask everyone to be on the look out for the swan with what is called angel wings. The swan is unable to fly and is being ignored by the family. Popcorn Zoo has been notified and they will take the swan. If you see it please notify the Bay Head Police Department.

Mayor Curtis: A survey was taken on the web as to what should happen on Lake Avenue concerning parking spaces and the line down the middle. Has a conclusion been reached?

Councilmember DeFilippis: We are planning on doing the parking and are only waiting for quotes. The line down the middle is up to Council. Councilmember Berko: We need to discuss this in executive session.

Mayor Curtis: I would encourage you to have a decision tonight.

Councilmember Berko: As to the groins. I feel we should have a consensus on this subject prior to money being placed in the budget.

Councilmember DeFilippis: Could we have a total of the money passed by Resolution for the groins, the total left and the total amount deposited by homeowners for the groin repair?

Mayor Curtis: Yes, well prior to the next meeting.

Mayor Curtis: The Seaweeders Garden Club of Bay Head & Mantoloking would like to extend an invitation to you to attend the Veteran's Day Commemoration on Saturday, November 7th at 11 am at the Blue Star Memorial at Scow Ditch Park in conjunction with the Borough of Bay Head. In case of rain it will be held at the Bay Head Firehouse.

Mayor Curtis called for New Business and Resolutions.

Councilmember Urner offered Resolution 2009-95 authorizing the return of unused escrow fees 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 2009-96 naming additional official depositories for the 2009 budget year and move it be adopted. This motion was seconded by Councilmember DeFilippis 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 2009-97 authorizing transfers in the 2009 Municipal Budget 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 2009-98 authorizing the lease of a printer from Xerox Corporation 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 2009-99 authorizing payment to Henkels & McCoy for complete paving of Lake Avenue 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.

Helene DeFilippis, 78 Goetze Street: Did we present the First Aid money for their anniversary?

Councilmember Urner: We make a yearly donation.

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

**RESOLUTION OF THE BOROUGH OF BAY HEAD
OCEAN COUNTY, NEW JERSEY EXCLUDING THE
GENERAL PUBLIC FROM A MEETING PURSUANT
TO THE OPEN PUBLIC MEETINGS ACT**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 19:4-12, 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 and actions upon the hereinafter specified subject matter.
2. The following subjects involve matters of attorney/client privilege:
 - a. Anticipated Litigation – Route 35
 - b. Public Safety – Striping of Lake Avenue
 - c. Personnel
3. It is anticipated that the matters discussed will be made public within sixty (60) days.
4. This Resolution shall become effective immediately.

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

The Governing Body went into Executive Session at 8:17 pm. At 9:36 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

