

September 21, 2009

The regular meeting of Mayor and Council of the Borough of Bay Head was held on September 21, 2009 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 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 Barnes moved to approve the non-voter taxpayer meeting minutes of August 19, 2009. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Green, Barnes, Glass. NAYS: None. NOT VOTING: Berko, DeFilippis, Urner.

Councilmember Glass moved to approve the minutes of September 8, 2009. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Barnes, Glass, Urner. NAYS: None. NOT VOTING: Berko, Green, DeFilippis.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Green, Parks, Grounds & Recreation, had no report.

Councilmember Barnes, Public Services, had no report.

Councilmember Glass, Public Safety, read the Bay Head Fire Co. #1 monthly report for July and August. A copy of the report is attached to these minutes.

Councilmember DeFilippis, Public Works: JCP&L will be converting the street lights from incandescent light fixtures to sodium vapor lights. This was discussed last year. The sodium vapor lights will be less expensive to operate and provide more light with lower wattage. The cost will be reflected in our bill and should be a wash. We will be receiving bids for the Egbert Street work to minimize flooding issues in

that area. We anticipate work to begin the middle of November. The estimated costs for the work is \$140,000.00 and we have received a DOT Grant in the amount of \$144,000.00.

Councilmember DeFilippis: Ms. Cipriani have we heard anything concerning our fuel tank issue?

Ms. Cipriani: I have received communication on that issue and they are sticking with their original offer we had discussed.

Councilmember DeFilippis: We have funding to move the tanks above ground. But we have to resolve the one issue before we can begin. Lastly, next Saturday the vents will be cleaned in this building which will begin a six stage project of repairs.

Councilmember Urner, Finance, had no report.

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

Councilmember Berko offered Ordinance 2009-09 entitled:

**AN ORDINANCE OF THE BOROUGH COUNCIL OF
THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW
JERSEY, AMENDING AND SUPPLEMENTING CHAPTER
147 OF THE BOROUGH CODE ENTITLED, "LAND USE,"
SO AS TO INCLUDE CERTAIN DECKS IN IMPERVIOUS
COVERAGE CALCULATION**

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

Councilmember Berko: This doesn't change the original intent it just makes it clearer. If a deck is twelve inches high or less it is not counted in impervious coverage. If it is above twelve inches high it does count in impervious coverage. It is also adjusting the definition of pre-construction grade.

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

Stan Niedzwiecki, 42 Johnson Street: How does this affect those who try and regrade when no one is looking?

Councilmember Berko: That is a separate concern.

Ms. Cipriani: That is a form of trespass.

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. There was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember DeFilippis offered Resolution 2009-83 authorizing a change order in the amount of \$8,057.80 for an increase in the contract executed with F & P Contractors, Inc. for Roadway Improvements to Lake Avenue and moved it be adopted. This motion was seconded by Councilmember Glass.

Councilmember Urner: Do we have the funds to cover this increase:

Councilmember DeFilippis: Yes, we do.

The motion 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 2009-84 awarding a contract to purchase one dump truck to Cambria Automotive Company and moved it be adopted. The motion was seconded by Councilmember Berko.

Councilmember DeFilippis: We budgeted \$80,000.00 and the bid is \$79,500.00.

The motion 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 2009-85 authorizing the receipt of bids for the purchase and installation of an automated door for the Bay Head Reading Center 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 Glass introduced Trish Sherman who spoke to the Governing Body concerning Management of Feral Cats.

Mayor Curtis: Thank you Trish. Councilmember Glass will meet with her committee and then make a recommendation to the Governing Body.

Ms. Cipriani: I have researched this issue and I have a feral cat sample ordinance which I can forward to you if you wish.

Mayor Curtis opened the meeting for Public Discussion.

Joanne Pehlivanian, Western Avenue: As to the change in the lighting – Does New Jersey Transit have sodium vapor lights?

Councilmember DeFilippis: I am no sure.

Councilmember Berko: The lights came up as an issue when the project was completed. Their lights are governed by OSHA. Does the quality of life committee still meet?

Ms. Pehlivanian: I was a member but I haven't been contacted about any meetings.

Mayor Curtis: The Department of Transportation controls what New Jersey Transit does.

Mr. Niedzwiecki: Are there any examples of the sodium vapor lights in town?

Councilmember DeFilippis: You would have to see in comparison. I will try to have them put in a cluster so you can see the difference.

Mr. Niedzwiecki: How will they affect the homeowner?

Councilmember DeFilippis: Not at all.

Mr. Niedzwiecki: How will it affect our cell phones or electronics?

Councilmember DeFilippis: It won't.

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.

The meeting was adjourned.

**Patricia M. Applegate, RMC
Municipal Clerk**

William W. Curtis, Mayor