

September 4, 2012

The regular meeting of Mayor and Council of the Borough of Bay Head was held on September 4, 2012 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 DeFilippis, Green, Barnes, Glass, Magory and Borough Attorney, Jean L. Cipriani.

Councilmember Glass moved to approve the minutes of August 6, 2012. The motion was seconded by Councilmember Magory and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory. NAYS: None.

Mayor Curtis read a letter of resignation from Councilman James A. Urner. A copy of the letter is attached to these minutes.

Mayor Curtis read a letter from the Bay Head Republican Municipal Committee Members Joanne Pehlivanian, Brian Magory and President of the Regular Republican Organization of Bay Head, Vallerie Magory offering three nominees to fill the vacancy on Council which exists due to the resignation of Councilman James A. Urner. A copy of the letter is attached to these minutes.

The three nominees were as follows: Douglas J. Lyons, William T. Gage, Vallerie Magory

Mayor Curtis recommended Douglas J. Lyons.

Councilmember DeFilippis offered Resolution 2012-108 appointing Douglas J. Lyons to the vacant seat on the Borough Council created by the resignation of Councilman James Urner. This motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory. NAYS: None. A copy of the resolution is attached to these minutes.

Borough Attorney Jean L. Cipriani administered the Oath of Office to Douglas J. Lyons. Councilmember Lyons then took his seat on Council.

Councilmember Glass offered Resolution 2012-109 authorizing a Memorandum of Understanding to the Collective Bargaining Agreement with the PBA Local 347 for the following promotions:

**SFC Barger to Lieutenant; Sergeant Hoffman to SFC;
Patrolman LaRue to Sergeant**

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

Borough Attorney, Jean Cipriani administered the Oath of Office to Lt. Barger, SFC Hoffman and Sgt. LaRue.

Mayor Curtis called for Reports of Standing Committees.

Councilmember DeFilippis, Public Works: I will waive most of my report for next month but I will say shortly we will begin doing some work installing clean outs on all the properties that abut Route 35, both east side and west side and that will be started sometime in October.

Councilmember Green, Parks, Grounds and Recreation: We had another very successful Summer Recreation Program. Total campers enrolled were 97, the minimum attending each day at 41 and the maximum 63. We had a terrific staff, returning counselors Melissa Kiss, beloved teacher at Bay Head School; Lindsay Walker also another teacher from Brielle. We also had to local kids who did a fantastic job, that were delightful, very well received and the children loved them – that was Riley Lyons and Giovanna Barba and they all hope to come back. The Kids Fitness Program was very successful, it was a big hit and all the children participated in it and we have a super coach who does that as well. It was another great summer for the Summer Recreation Program. I would like to thank the Bay Head School and the Board of Education for once again opening up their facility for the program. Also our Go Bay Head Summer was terrific, the Mayor's Walks were very well attended and everyone enjoyed them very much. We are especially grateful to Bob O'Brien, our local historian who participated in all of them and led those walks. We also had a successful Water Safety Program, thanks to B.H.I.A. for helping us with that by providing life guards on the beach. Also our summer Junior Olympics on the beach on Thursday evenings on Osborne Beach was really great fun. The families and the children who participated enjoyed it very much, so we hope to continue to expand that for next summer. We have the Dodge Ball Tournament coming up on October 4th, Thursday night. Teams are forming and registration forms are available in Borough Hall office. We will be participating and Go Bay Head will be supporting the Bay School Shark 5K on October 6th.

Councilmember Barnes, Legal & Planning, had no report.

Councilmember Glass, Public Safety, read the Police Activity report for July and August and the Bay Head Fire Company report for August. A copy of the report is attached to these minutes. Also we are having Operation Take Back New Jersey again this year. That is when everyone is allowed to dispose of your unused, unwanted or expired medicine. It has been going on for a couple of years; the Drug Enforcement Administration has been doing this. For us it will be Saturday, September 29th from 10 am to 2pm and it will be at headquarters.

Councilmember Magory, Public Services, read the Zoning Office Report and the Construction Official report for the month of August. A copy of the report is attached to these minutes.

Councilmember Lyons, Finance, had no report.

Mayor Curtis called for Clerk's Correspondence.

Mrs. Applegate offered the following:

An application for Raffles License from Bay Head School Foundation for On Premise 50/50 drawing to be held on October 6, 2012 at the Duck Derby

An application for Raffles License from Bay Head School Foundation for Off Premise Merchandise drawing to be held on October 6, 2012 at the Duck Derby

An application for Raffles License from Women's Guild All Saints Church for On Premise Gift Raffle to be held on November 10, 2012 from 10 am to 3 pm at All Saints Church

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

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business and Resolutions.

Councilmember Barnes offered Resolution 2012-92 entitled:

**RESOLUTION OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
FORWARDING PERSON-TO-PERSON LIQUOR LICENSE
TRANSFER APPLICATION OF PLENARY RETAIL
CONSUMPTION LICENSE NO. 1502-44-003-003 TO THE
DIRECTOR OF THE DIVISION OF ALCOHOLIC
VEVERAGE CONTROL FOR CONSIDERATION**

This is an application for person to person transfer from Central Market to another corporate entity.

Councilmember Barnes moved the resolution be adopted. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Barnes offered Resolution 2012-102 celebrating the 100th Anniversary of the Leas/Curran/Lindsey home at 695 East Avenue.

Councilmember Barnes offered Resolution 2012-103 appointing John J. Helmstetter as Electrical Sub-Code Inspector.

Councilmember Barnes offered Resolution 2012-104 appointing Eric J. Sudia as Alternate Part-Time Electrical Sub-Code Inspector.

Councilmember DeFilippis offered Resolution 2012-105 amending Resolution 2012-75 providing for Salaries & Compensation of Borough Officials and Employees for 2012.

Councilmember DeFilippis offered Resolution 2012-106 authorizing Refunds for Overpayments of Property or Sewer Taxes.

Councilmember DeFilippis offered Resolution 2012-107 authorizing the execution of an Addendum to the Contract with Stacey Contracting, Inc., for Design and Construction Services for the 2010 Sanitary Sewer Rehabilitation Project – Lake Avenue.

Councilmember Glass offered Resolution 2012-110 authorizing the Receipt of a Cargo Truck from the Defense Logistics Agency.

Councilmember Glass moved that the resolutions be adopted. The motions was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory. NAYS: None. NOT VOTING: Lyons. A copy of the resolution is attached to these minutes.

Mayor Curtis opened the meeting for Public Discussion.

Stan Niedzwiecki, 42 Johnson Street: Where is the 4 x 4 cargo truck to be kept?

Councilmember Glass: Under cover at the Recycle Center.

Mr. Niedzwiecki: With the appointment of Doug to the financial spot I hope he takes a careful look at things and doesn't forget about us as taxpayers. The older people want that relief – you just can't go along adding a percentage to each line item. We have to consider cost reduction. The last two didn't do that. What are they doing about police uniforms – I can't find out. There are a number of other areas to be looked at. We need to look at cost reduction spending. Please give that careful consideration. When I was in corporate we did three year averaging. You don't do that at the municipal level. I hope you are younger with an open mind to our finances.

Mayor Curtis: We will take your words to heart.

Ms. Cipriani: Municipal Budget Law is based on the prior year expenses or revenues – the way it is structured is only a one year look back.

Councilmember Magory: We try to reduce the cost in each individual department. We did that with the new garbage contract and with our utilities.

Mayor Curtis: The League of Municipalities, Executive Director Bill Dressel tries to get things done as a group to benefit all 565 municipalities. The New Jersey Council of Mayors also does a great job on our behalf. I have been to Trenton several times – sometimes we are successful some times we are not.

Mr. Niedzwiecki: Just know that you don't have to accept the mandate.

John Cueman, 504 Club Drive: Was there to be a report on the groins?

Mayor Curtis: The presentation on the groins has been rescheduled for October 1st.

Harry Typaldos, 345 Main Avenue: Congratulations on the transfer. My liquor license was denied because of an 1880 restrictive covenant which states Bay Head is a dry town. Does it apply to Mayor Curtis's land or just mine?

Ms. Cipriani: I would advise Council not to respond. I can, if you wish, review the documentation concerning the Grenville and the terms of the covenant.

Mayor Curtis: Please direct your questions to our attorney and she will get the answer to you.

Bill Podurgiel, 45 Karge Street: Could the results please be made public so those in attendance will have the answer also.

Vallerie Magory, 1510 Bay Avenue: As President of the Regular Republican Organization of Bay Head I just want to express the organization endorsed James Urner a number of times that he ran. We wish him the best on his resignation. We are very pleased with the names we submitted to the Council and very pleased with your choice of Douglas Lyons. We look forward to endorsing him when he runs at the end of this term.

Councilmember Lyons: Thank you.

Mr. Niedzwiecki: What is going to be done concerning bike helmets? Kids run around with no helmets and as I understand the rule all under 17 years of age are required to wear a helmet. We also have 9, 10 and 11 year olds running around at all hours making noise. I have stopped the police concerning the helmets and they have stated when they take the kids home they are chewed out by the parents. Fines need to be increased before we go into next summer. We have talked about it many times but I don't see anything happening.

Mayor Curtis: The fines are very low.

Chief Hoffman: We did quite a bit this summer concerning education of bike helmets. We had a program at the Summer Recreation Program, Mayor's Wellness Bike Rodeo. We have a case of helmets which are available to anyone who needs one, we advertise the bike law on the sign which is moved around town and we also give ice cream coupons to those who are wearing helmets.

Councilmember Glass: I have discussed this issue with the Chief and the officers. We do have out of town bikers and the officers can't take those children home. If the children reside in Bay Head they can and do talk with the parents. I stop children I see myself. We can't change the fine. We are looking to try and get court appearance required for the violation.

Ms. Cipriani: The maximum fine for a first offense is \$25.00 and it can't be changed by ordinance.

Mr. Typaldos: Who checks to make sure the curbs are painted so they can be seen. Occasionally our patrons don't see them at night because they are worn.

Councilmember Glass: I spoke to the Chief and motor vehicle law reads that cars are not allowed to park so many feet from a corner and doesn't require the area to be painted. We do paint them but we aren't required to do so. We do and try to keep up with them.

There being no further comments, Councilmember DeFilippis moved to approve the vouchers for payment, which motion was seconded by Councilmember Green and passed on roll call vote. YEAS: DeFilippis, Green, Barnes, Glass, Magory, Lyons. NAYS: None. A list of the vouchers is attached to these minutes.

The meeting was adjourned.

Patricia M. Applegate
Municipal Clerk

Mayor William W. Curtis