

**June 15, 2009**

**The regular meeting of Mayor and Council of the Borough of Bay Head was held on June 15, 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 Councilmember 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 June 1, 2009. The motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Councilmember Urner moved to approve the executive minutes of June 1, 2009. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Mayor Curtis called for Report of Standing Committees.**

**Councilmember Berko, Legal and Planning, had no report.**

**Councilmember Green, Parks, Grounds and Recreation: I would like to report the native plant sale was a terrific success. We had a great turnout, in part due to it being held with Art In The Park. The rain held off until the end of the sale. The Seaweeders and Environmental Commission were a tremendous help. All proceeds will go to Save Barnegat Bay to help in their efforts to preserve the beautiful Barnegat Bay. I would like to extend a big thank you to everyone. The Recreation Program will start July 6<sup>th</sup> at a cost of \$50.00 per child. Applications can be found on the web site or at Borough Hall.**

**Councilmember Barnes, Public Services, read the monthly Construction Official report for the month of May. A copy of the report is attached to these minutes.**

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

**Councilmember DeFilippis, Public Works: The last section has been completed on the west side of town from Barnegat Lane to Bridge Avenue. Hopefully the flooding issues have been resolved. I have a number of projects scheduled for the fall one being the resurfacing of Egbert Street from the ocean to the bay and will be completed by late September. I have also been notified the Borough will receive a CDBG grant in the amount of \$42,000 to make the Bay Head Reading Center handicapped accessible. That project should start by late fall.**

**Councilmember Green: We will have to coordinate the construction of the rain garden at the Reading Center.**

**Councilmember DeFilippis: You can begin any time. It will be far enough away that it will not interfere with our construction.**

**Councilmember DeFilippis moved to go out to bid for a Public Works Dump Truck. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Councilmember Urner, Finance, had no report.**

**Mayor Curtis called for Clerk's Correspondence.**

**Ms. Applegate offered an application from Jeffrey S. Pfeuffer for a Peddler's License. Councilmember Berko moved to approve the request which was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Mayor Curtis called for Ordinances, First Reading.**

**Councilmember Urner offered Ordinance 2009-08 entitled:**

**AN AMENDMENT TO ORDINANCE 2009-04  
ESTABLISHING SALARY, WAGES, HOLIDAYS, SICK  
LEAVE, VACATIONS AND OTHER BENEFITS OF  
EMPLOYMNET OF CERTAIN OFFICIALS AND  
EMPLOYEES OF THE BOROUGH OF BAY HEAD,  
OCEAN COUNTY, NEW JERSEY FOR THE  
CALENDAR YEAR 2009**

**Councilmember Urner moved to approve this ordinance on first reading, which motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of this ordinance is attached to these minutes.**

**Mayor Curtis called for Unfinished Business.**

**Councilmember Green: I need to back peddle. I didn't thank the Bay Head Fire Company for the use of their facilities to hold the Native Plant Sale. Without the Bay Head Fire Company allowing us to use their facilities the sale would not have been possible and I would like to thank them very much.**

**Mayor Curtis called for New Business and Resolutions.**

**Councilmember Berko offered Resolution 2009-67 approving the change of signatures on the court accounts with Manasquan Savings Bank and moved it be adopted. This motion was seconded by Councilmember Barnes 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 2009-68 approving the submission of a grant application and execute a grant agreement with the NJ DOT for roadway improvements to Park Avenue and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. ABSTAIN: Berko. A copy of the resolution is attached to these minutes.**

**Councilmember DeFilippis offered Resolution 2009-69 awarding a contract with solid waste and bulk items disposal services to Waste Management of New Jersey 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: A letter will be going out to the public hopefully tomorrow explaining the new pick up schedule.**

**Councilmember Berko: We went out to bid twice and Waste Management was the lowest responsible bidder. Mayor and John met with the company. They are enthusiastic and confident to do a good job. We will be saving a lot of money for the town by having the company do the entire town in two days in the winter.**

**Councilmember Green offered Resolution 2009-70 approving the participation in the Local Government Energy Audit Program 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.**

**Councilmember Urner offered Resolution 2009-71 amending Resolution 2009-59 providing for salaries and compensation of Borough Officials and Employees for 2009 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 2009-72 providing for the engagement of payroll service provider 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: I noticed on the agenda there was no renewal for the license of the Grenville. I would like the recommendation of our attorney since the liquor license expires on June 30<sup>th</sup> and we don't have a meeting until July 6<sup>th</sup> – how do we respond to that?**

**Ms. Cipriani: There are two actions you can take. Advise ABC that there is a lapse in the license and if the license is not renewed enforce your ordinance.**

**Councilmember Glass: Do we have to wait until July 1<sup>st</sup>?**

**Ms. Cipriani: Yes, no action can be taken until there is a lapse in the license.**

**Councilmember Urner: Welcome to Bay Head – this has been an on going problem with the Grenville.**

**Ms. Cipriani: The ordinance provides for penalties. If they operate after July 1<sup>st</sup> a summons can be issued.**

**Councilmember Urner: If they serve after July 1<sup>st</sup> and we send a letter to ABC and summons are issued daily when they get to court the summons will be combined and only have to pay a small fine.**

**Ms. Cipriani: You can go to Superior Court and get an order. The question will be how is the Borough harmed? If the reason for the late filing is failure to submit Tax Clearance Certificate, ABC would look at that as a reason for an extension. If you are looking for something other than a small suspension on those facts only you are not going to get very far.**

**Councilmember Urner: I would like suspension in the high season not the winter months.**

**Councilmember Berko: We are frustrated. Ken told us this is the way ABC works but he did say the record is cumulative.**

**Mayor Curtis opened the meeting for Public Discussion.**

**Gail Heyer, 224 Bridge: It is obvious this discussion will be in the paper so if you plan to send a letter you may want to do it sooner rather than later.**

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

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

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**William W. Curtis, Mayor**