

January 20, 2009

The regular meeting of Mayor and Council of the Borough of Bay Head was held on January 20, 2009 at 6:30 PM in the Council Chambers of the Borough Hall.

Mayor called the meeting to order and welcomed everyone. Mayor 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, Councilmembers Berko, Barnes, Glass, DeFilippis, Urner. Councilmember Green was absent.

Mayor 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 Berko offered the following Resolution:

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, 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 personnel matters and/or matters of attorney/client privilege:**
 - a. Discussion of obligations to the Council on Affordable Housing – Third Round Regulations**
 - b. Personnel – Municipal Attorney**
 - c. Litigation/Solid Waste Contract**
- 3. It is anticipated at this time the above stated subject matters will be made public as follows:**

- a. As to item “a” – 60 days
- b. As to item “b” – immediately
- c. As to item “c” – 30 days

4. This Resolution shall become effective immediately.

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

The special meeting of the Planning Board of the Borough of Bay Head was held on January 20, 2009 at 6:30 PM in the Council Chambers of the Borough Hall.

The roll was called for attendance. Present were Dr. Heyer, Mr. Shore, Mr. Furze, Mr. Harrington, Mr. Kellogg and Ms. Tell. Absent were Mr. Haurie, Mr. Petrillo and Mr. Taylor.

Dr. Heyer, Planning Board member 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 OPNE PUBLIC MEETINGS ACT**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, 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 Planning Board 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. Discussions of obligations to the Council on Affordable Housing – Third Round Regulations**
- 3. It is anticipated that the matter discussed will be made public within 60 days.**
- 4. This Resolution shall become effective immediately.**

Dr. Heyer moved this resolution be approved. The motion was seconded by Mr. Furze and passed on roll call vote. YEAS: Heyer,

Furze, Shore, Harrington, Kellogg, Tell. NAYS: None. ABSENT: Haurie, Petrillo, Taylor.

The Governing Body and the Planning Board went into Executive Session at 6:40 PM. At 8:15 PM Planning Board came out of Executive Session and adjourned their special meeting. At 8:48 PM the Governing Body came out of Executive Session and resumed the regular meeting.

Councilmember DeFilippis moved to approve the reorganization and regular minutes of January 6, 2009. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Mayor Curtis made the following appointment:

Michelle Swisher, CFO

Councilmember Urner moved to approve Mayor's appointment. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Berko, Legal and Planning, had no report.

Councilmember Barnes, Public Services: She requested Council to review the information concerning web site providers and get back to her with their comments.

Councilmember Glass, Public Safety, read the Bay Head Fire Co. #1 monthly report. A copy of the report is attached to these minutes. I am also working with the fire company on suggestions they have concerning their record keeping of LOSAP etc.

Councilmember DeFilippis, Public Works: I view the first video done on Lake Avenue to Bridge Avenue concerning our sanitary sewer project. They found a lot of ground water intrusion and the bottom line is that we have to repair it. It is also further complicated that it is one of the major sewer lines and is seven feet below grade. It is also in the area that the 16" water main was installed by NJ-American Water Co. Should the line collapse that end of town would have no sewer service. I need the funding as soon as possible. I spoke with Mr. Hulsart and was told we could do a capitol bonding ordinance based on the temporary budget. We need to get the funding for legal fees, engineering fees and construction fees in place. Are there any comments?

Mayor Curtis: There is nothing to vote on. We first need an attorney.

Councilmember Berko: Does it require replacement or could it be relined?

Councilmember DeFilippis: Replacement, this doesn't include any of the laterals. This is also the area NJ-American Water will do the

paving. I would like to do the sewer line in conjunction with the paving on Lake Avenue.

Councilmember Berko: Can't NJ-American Water Co. delay the paving until we get this done?

Councilmember DeFilippis: I am still talking to them.

Councilmember Urner, Finance: We are moving along on the 2009 operating budget and starting on the 2009 capitol budget.

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

Councilmember Urner offered Ordinance 2009-01 entitled:

AN AMENDMENT TO ORDINANCE 2008-12 ESTABLISHING SALARY, WAGES, HOLIDAYS, SICK LEAVE, VACATIONS AND OTHER BENEFITS OF EMPLOYMENT OF CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY FOR THE CALENDAR YEAR 2008

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

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

There being no comments, the public hearing was closed.

The motion to adopt was passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the ordinance is attached to these minutes.

Mayor Curtis called for Ordinances, First Reading.

Councilmember Glass offered Ordinance 2009-02 entitled:

AN ORDINANCE AMENDING SECTION 50-1 (ESTABLISHMENT) OF CHAPTER 50 (POLICE DEPARTMENT) OF THE MUNICIPAL CODE TO ESTABLISH THE RANK OF SERGEANT FIRST CLASS IN THE POLICE DEPARTMENT AND AMENDING SECTION 50-7B (EXTRA-DUTY) OF CHAPTER 50 (POLICE DEPARTMENT) OF THE MUNICIPAL CODE IN AND BY THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY

Councilmember Glass moved to approve this ordinance on first reading, which motion was seconded by Councilmember Berko and passed on roll call vote. YEAS: Berko, 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 Urner offered Resolution 2008-13 appointing Michelle Swisher as Chief Financial Officer and moved it be adopted. This motion was seconded by Councilmember Glass.

Councilmember DeFilippis: This is a four year appointment.

Councilmember Urner. Yes, as per statute

Councilmember Berko: Is that a problem?

Councilmember DeFilippis: I feel we should have a letter of resignation.

Councilmember Urner: We will get it.

This motion passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2009-14 retaining Robert A. Hulsart to provide auditing services for the 2009 calendar year and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember DeFilippis offered Resolution 2009-15 retaining William M. England to provide engineering services for the 2009 calendar year and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Glass offered Resolution 2009-16 appointing Emergency Management Coordinator and moved it be adopted. This motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2009-17 authorizing refunds for overpayments of property or sewer taxes and moved it be adopted. This motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2009-18 authorizing refunds for overpayments of property or sewer taxes and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll

call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2009-19 amending Resolution 2008-55 providing for salaries and compensation of Borough officials and employees for 2008 and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Urner offered Resolution 2009-20 authorizing the transfer of funds in the 2008 Municipal Budget and moved it be adopted. This motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Berko offered Resolution 2009-21 retaining Jean L. Cipriani to provide legal services for the 2009 calendar year and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Berko offered Resolution 2009-22 amending Resolution 2009-08 the annual schedule of meetings for 2009 and moved it be adopted. This motion was seconded by Councilmember Urner and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis opened the meeting for Public Discussion. There were no comments or questions from the public.

No one wishing to be heard, Councilmember Urner moved to approve the vouchers for payment, which motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Barnes, Glass, DeFilippis, Urner. NAYS: None. A list of the vouchers is attached to these minutes.

The meeting was adjourned.

Patricia M. Applegate, Municipal
Clerk

William W. Curtis, Mayor

