

**May 18, 2009**

**The regular meeting of Mayor and Council of the Borough of Bay Head was held on May 18, 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, Glass, DeFilippis, Urner and Borough Attorney, Jean L. Cipriani. Councilmembers Green and Barnes were absent.**

**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 minutes of May 18, 2009. The motion was seconded by Councilmember DeFilippis and passed on roll call vote. YEAS: Glass, DeFilippis, Urner. NAYS: None. ABSTAIN: Berko.**

**Mayor Curtis made the following appointment:**

**Sean M. Nolan, Member to the Bay Head Fire Co. No. 1**

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

**Councilmember Berko, Legal and Planning: You have all received the draft of the Master Plan Housing Element & Fair Share Plan and Petition Application for review.**

**Councilmember DeFilippis: How do we find out the status of the resolution on page two? If that is correct we need no addition to the number we presently have.**

**Councilmember Berko: Jean, are you aware of the status?**

**Ms. Cipriani: COAH rules and regulations for the last five to six years have been a moving target. The current status doesn't allow you to wait for pending legislation. You must submit a plan based on the current rules and regulations. You also reserve the right to amend your plan but you can't wait.**

**Councilmember Berko: Our Planner has told us that the current law is silent on the issue of tear downs and that issue is up for interpretation.**

**Councilmember DeFilippis: So the bottom line is that we can submit our old plan.**

**Councilmember Urner: I say let them come and get me.**

**Councilmember Glass, Public Safety: I have no official report but the race was successful and everything went smoothly. I would like to thank the Bay Head Fire Company for letting them use their hall.**

**Councilmember DeFilippis, Public Works: We are still working on Lake Avenue and the side streets. The sanitary sewer that was damaged has been replaced and the repaving and regrading should be complete the week after Memorial Day weekend.**

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

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

**Mrs. Applegate offered the following:**

- 1. Request from Bay Head Historical Society to use Council Room at Borough Hall on Saturday, June 27, 2009 at 10 am.**
- 2. An application from Thomas Vaughan for Peddler's License to operate an Ice Cream Truck.**

**Councilmember Berko moved to approve the requests which was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Glass, DeFilippis, Urner. NAYS: None.**

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

**Councilmember Urner offered Ordinance 2009-07 entitled:**

**BOND ORDINANCE PROVIDING FOR THE REPAIRS TO SANITARY SEWER SYSTEM; REMOVAL/REPLACEMENT FUEL TANK, DUMP TRUCK, SANITARY SEWER REPLACEMENTS, IMPROVEMENTS TO BOROUGH BUILDINGS, POLICE DEPARTMENT IMPROVEMENTS, TENNIS COURT, FIRE TRUCK, HOWE PARK-FIELD IMPROVEMENTS, BEACHFRONT/BOARDWALK-PLATFORM, PLAYGROUND, AND STREET AND ROAD REPAIRS, APPROPRIATING \$566,000.00 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$537,700.00 BOND OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION, IN AND BY THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY**

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

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

**Councilmember DeFilippis: What isn't it redundant listing repairs to the sanitary sewer system and sanitary sewer replacement?**

**Ms. Cipriani: It is not redundant.**

**Councilmember DeFilippis: It matters how you title it when it comes to the financial end knowing where to place the money. In the past if we weren't more specific it didn't get posted correctly.**

**Connie Cardillo, 534 West Lake Avenue: Are these in priority order?**

**Councilmember Urner: We develop the budget and then we develop the capitol budget. The authorization to spend from the capitol budget is by the adoption of the Bond Ordinance.**

**Ms. Cardillo: All will be accomplished?**

**Councilmember Urner: We will try.**

**There being no further comments or questions the public hearing was closed.**

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

**Mayor Curtis called for Unfinished Business.**

**Councilmember Berko: Taking about grants to cover solar conversion to the municipal building we should make an effort to turn off all copiers and printers not in use instead of leaving them on standby. Several watts of power are used when copiers and printers are left on standby. As comparison one 100 watt light bulb burning continuously for one year uses one watt. I am just asking everyone to make a conscientious effort and consider turning the machines off.**

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

**Councilmember Urner offered Resolution 2009-57 approving the 2008 Municipal Audit-Corrective Action Plan and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2009-58 amending Resolution 2009-50 Temporary Emergency Appropriations #6 and moved it be adopted. This motion was seconded by Councilmember Glass and**

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

Councilmember Urner offered Resolution 2009-59 rescinding Resolution 2009-55 and replacing with Resolution providing for salaries and compensation of Borough Officials and employees for 2009 and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Berko, Glass, DeFilippis, Urner. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis opened the meeting for Public Discussion.

Ms. Cardillo: The library is looking wonderful and the out field (Howe Park) is gorgeous.

Don MacDonald, 162 Park Avenue: I have been here in awhile, have there been any results concerning the solid waste bid?

Mayor Curtis: You haven't missed a thing. The bids will be discussed in closed session tonight.

Councilmember Urner moved to approve the vouchers for payment, which motion was seconded by Councilmember Berko and passed on roll call vote. YEAS: Berko, 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. 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 matters of attorney/client privilege:
  - a. Personnel

- b. Litigation**
- c. Contracts**

**3. It is anticipated that the matters discussed will be make 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 Urner and passed on roll call vote.**

**YEAS: Berko, Glass, DeFilippis, Urner. NAYS: None.**

**The Governing Body went into Executive Session at 7:33 pm. At 8:34 pm the Governing Body came out of Executive Session and resumed the regular meeting.**

**There being no further business the meeting was adjourned.**

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

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**William W. Curtis, Mayor**