

**February 1, 2010**

**The regular meeting of the Mayor and Council of the Borough of Bay Head was held on February 1, 2010 at 7 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.**

**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 reorganization and regular minutes of January 4, 2010. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Green, Barnes, Glass, DeFilippis, Urner. NAYS: None. ABSTAIN: Berko.**

**Mayor Curtis made the following appointments:**

**Bay Head Planning Board  
Edward M. Convey, Alternate #2**

**Laura M. Tuzzolino  
Deputy Municipal Clerk, Deputy Registrar,  
Technical Assistant & Clerk to Planning Board**

**John Thomas Neary  
Public Works Laborer**

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

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

**Councilmember Green, Parks, Grounds and Recreation: The Environmental Commission would like to thank Anne Ryan for her many, many years of service. She was a charter member of the Environmental Commission and helped start the recycling center. She is moving out of town to live closer to her daughter.**

**Councilmember Barnes, Public Services, read the December 2009 and January 2010 Zoning Officer report and the December 2009 Construction Official report. A copy of the report is attached to these**

**minutes. The Garbage Committee met to discuss the location/storage issues and recommended that a letter be sent to the realtors requiring them to have the tenants sign an advisory. The letter to the realtors will go out this week. The committee will also be exploring more options.**

**Councilmember Glass, Public Safety, read the Police Activity Report for the month of December and January. A copy of the report is attached to these minutes.**

**Councilmember DeFilippis, Public Works: New Jersey Natural Gas will be installing a 12” pipe from Mantoloking north to the intersection of Main Avenue and Johnson Street. It will be installed underneath the highway shoulders. This will have some effect on travel through Bay Head early in June 2010. We were notified by the Ocean County Utilities Authority of a credit of \$4,200.00. Our repairs have paid off and more work will be done in 2010.**

**Councilmember Urner, Finance: The Capitol Budget is complete and we will start working on the operating budget this month.**

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

**Mrs. Applegate offered the following:**

- 1. Request from Project Graduation Committee to allow Bay Head residents to participate in the Spring Town-Wide Garage Sale on Saturday, June 5, 2010 rain date June 6, 2010.**
- 2. Request from Clean Ocean Action to allow Bay Head residents to participate in the 24<sup>th</sup> Anniversary of the Beach Sweeps on Saturday, April 24, 2010 and Saturday, October 23, 2010 from 9 am to 12:30 pm.**
- 3. Request from National Multiple Sclerosis Society’s New Jersey Metro Chapter hosting the annual “Coast the Coast” Bike MS Ride on Saturday, May 22 and Sunday, May 23, 2010 for permission to ride through Bay Head.**
- 4. Request from St. Paul’s United Methodist Church to use Centennial Park and Borough Hall restrooms for a Community Easter Egg Hunt on Saturday, March 27, 2010 from 10 am to 1 pm.**
- 5. An application for Special Permit for Social Affair from New Jersey Chamber Singers to be held on March 20, 2010 at the Bay Head Yacht Club.**

**Councilmember Glass moved to approve the requests which were seconded by Councilmember Barnes.**

**Councilmember Berko: The organization will be told to clean the restrooms.**

**Ms. Cipriani:** It can be a condition of approval to have them pay our service to have it done.

**The motion passed on roll call vote: YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

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

**Councilmember Urner offered Ordinance 2010-01 entitled:**

**AN AMENDMENT TO ORDINANCE 2009-04 ESTABLISHING SALARY, WAGES, HOLIDAY, SICK LEAVE, VACATIONS AND OTHER BENEFITS OF EMPLOYMENT OF CERTAIN OFFICIALS AND EMPLOYEES OF 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 DeFilippis.**

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

**There being no 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 Ordinances, First Reading.**

**Councilmember Urner offered Ordinance 2010-02 entitled:**

**BOND ORDINANCE PROVIDING FOR BEACHFRONT MAINTENANCE, FIRE TRUCK, FIRE TURN-OUT GEAR, LIGHTING FOR CENTENNIAL PARK, PURCHASE OF LAW ENFORCEMENT VEHICLE (SUV), SURVEILLANCE CAMERAS, IMPROVEMENTS TO CENTENNIAL PARK, EVERGREEN PARK, TWILIGHT LAKEFRONT, AND SCOW DITCH, BEACHFRONT PLATFORMS, RENOVATION TO SEWER MAINS, APPROPRIATING \$324,250.00 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION, IN AND BY THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY**

**Councilmember Urner moved to approve this ordinance on first reading, which motion was seconded by Councilmember Glass.**

**Councilmember Barnes:** Where will the surveillance cameras be placed?

**Councilmember Urner:** Centennial and Evergreen Park.

**The motion 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 Berko: I understand that John Neary will be a back up for public works but what about hiring another full time employee?**

**Councilmember Urner: We are limited to a 4% increase in the budget so I don't believe we will be hiring a full time person this year.**

**Councilmember DeFilippis: What is the difference of hiring another employee than paying an outside contractor to do the work? What are we really saving?**

**Councilmember Urner: We have discussed hiring two part time employees therefore we don't have to pay benefits. I will work the numbers and get it to you at the next meeting.**

**Councilmember Berko: We spent well over \$20,000.00 for grass cutting and weeding. We would get more done by hiring someone.**

**Councilmember Green: We have decided not to hire another full time employee but to hire two part time employees.**

**Councilmember Berko: I am fine with two part time employees.**

**Councilmember Berko: Jean, would you modify the dune ordinance to state that wood posts be used instead of metal poles to install the dune fence.**

**Councilmember Green: I would first like to check with Ocean County as to what they provide us. I want to still enjoy the program.**

**Councilmember Berko: The metal poles are a real hazard. I would also like to change the compliance time from six months to thirty days.**

**Councilmember Barnes moved to have the Council meeting time change from 7 pm to 7:30 pm.**

**Councilmember DeFilippis: 7 pm is fine with me.**

**Councilmember Glass: Let's try 7 pm for the next couple of months and see how it goes.**

**The motion died because it did not receive a second.**

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

**Councilmember Urner offered the following resolutions:**

**Resolution 2010-13 authorize transfers to be made in the**

**2009 Municipal Budget**

**Resolution 2010-14 authorize 2010 Temporary Emergency Appropriations #1**

**Resolution 2010-15 authorize cancellation of Capital Ordinance Balances of completed projects**

**Resolution 2010-16 approve 2010 Temporary Budget**

**Resolution 2010-17 amending Resolution 2009-59 providing for salaries & compensation of employees for 2009**

**Councilmember Urner moved the resolutions be adopted. The 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 Berko offered the following resolutions:**

**Resolution 2010-18 appointing Jean L. Cipriani, Esq. of the firm Gilmore & Monahan, P.A. as Borough Attorney**

**Resolution 2010-19 appointing Robert A. Hulsart, C.P.A. and R.M.A. of the firm Robert A. Hulsart & Company as Borough Auditor**

**Resolution 2010-20 appointing John R. LeCompte, PE, of CMX, Inc. as Borough Engineer**

**Resolution 2010-21 appointing Jeffrey R. Surenian, Esq., of the firm of Jeffrey R. Surenian & Associates, LLC as Special Counsel for COAH Matters**

**Resolution 2010-22 reappointing Frank S. Salzer, Esq., as Judge of the Municipal Court of the Borough of Bay Head**

**Resolution 2010-23 appointing Roberta Burcz, Esq. as Public Defender**

**Resolution 2010-24 authorizing the execution of a Shared Services Agreement with the Ocean County Board of Health for Animal Facility Services**

**Resolution 2010-25 authorizing the execution of a Policy Endorsement with Monumental Life Insurance Company as Administered by Bollinger Insurance Solutions for Group Dental Service Plan Coverage**

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

**Councilmember Barnes offered Resolution 2010-26 appointing Laura M. Tuzzolino as Deputy Municipal Clerk, Deputy Registrar, Technical Assistant and Clerk to the Planning Board and authorizing the execution of an Employment Agreement with same for such person 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 Berko: I feel the Peddler's License ordinance needs to be amended prior to acting on Resolution 2010-27 awarding license for 2010.**

**Councilmember Berko moved to table Resolution 2010-27. The motion was seconded by Councilmember Green and passed on roll call vote. YEAS: Berko, Green, Barnes, Glass, DeFilippis, Urner. NAYS: None.**

**Councilmember Berko: Why are we being asked to waive our requirement of a certificate of insurance being filed for the use of municipal facilities from the State of New Jersey Juvenile Conference Committee?**

**Ms. Cipriani: They are part of the State Judiciary.**

**Ms. Applegate: When I asked Ms. Cardillo for the certificate and she checked with the State Judiciary they stated they had never had to produce a certificate of insurance for any other town. The committee normally meets in Point Pleasant but because of their renovations they are unable to host the sessions.**

**Ms. Cardillo: Point Pleasant should be ready to take us back in March.**

**Councilmember Berko offered Resolution 2010-28 waiving insurance requirement for the use of the Municipal Building for the State of New Jersey Juvenile Conference Committee and moved it be adopted. The 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 DeFilippis offered Resolution 2010-29 appointing John Thomas Neary as part-time laborer and moved it be adopted. The 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 opened the meeting for Public Discussion.**

**Connie Cardillo, 534 West Lake Avenue: I would like to thank you for allowing the Juvenile Conference Committee to come and use your facilities.**

**Councilmember Green: Thank you for all your service to the committee.**

**Joanne Pehlivanian, 332 Western Avenue: Who monitors the surveillance cameras?**

**Chief Grace: They are closed circuit. We have to go back and review.**

**Councilmember DeFilippis: It is real time at recycle center.**

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

**Councilmember Glass offered the following Resolution to go into executive session.**

**WHEREAS, the Open Public Meetings Act, N.J.S.A. 19:4-12, 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 subject involve matters of attorney/client privilege:**

**Litigation**

- 3. It is anticipated that the matter discussed will not be made public at any foreseeable time in the future.**
- 4. This Resolution shall become effective immediately.**

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

**The Governing Body went into Executive Session at 8:01 pm. At 8:43 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**

