

**April 17, 2012  
Special Meeting**

A special meeting of the Mayor and Council of the Borough of Bay Head was held on April 17, 2012 at 7:30 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.

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. Notice was mailed to **The Asbury Park Press** and posted in the main corridor of the Borough Hall on April 11, 2012. The notice was published in **The Asbury Park Press** on April 13, 2012.**

The roll was called for attendance. Present were Mayor Curtis and Councilmember's Green, Barnes, Glass, Magory, Urner. Councilmember DeFilippis was absent.

Councilmember Barnes stated, that at the last council meeting on April 2, 2012, the Council passed by a four to two vote, Ordinance 2012-01. There were three different changes to the Land Use. They were pools, hedges and the third was directional signs. The first two sections of the ordinance the Mayor agreed with, but Mayor had an issue with the third section pertaining to directional signs from real estate agents. As a procedural matter, the Mayor exercised his right to veto the ordinance, but it was a line item veto, vetoing that section pertaining to directional signs. At this point, procedurally the council has the right to either leaving the veto stand or making a motion to override the veto. It is Councilmember Barnes' recommendation at this time we let Mayor's veto stand. We can revisit the ordinance. It can certainly be reworded if need be or we can leave the entire issue alone. Councilmember Barnes would like to table the issue until the May meeting. This way it gives council and the mayor the opportunity to iron out any potential differences.

Councilmember Green stated, that just to be clear, we are either going to make a motion to support the veto or table it.

Councilmember Barnes confirmed it is either to support the veto or override the veto. It is Councilmember Barnes suggestion at this time to let the veto stand.

There was a motion by Councilmember Barnes to let the veto stand. The motion was seconded by Councilmember Green and passed on a roll call vote. YEAS: Greene, Barnes, Glass, Magory, Urner. NAYS: None.

Mayor Curtis stated that there will be no reports tonight because they do have a special subject that they will go into executive session. That will be closed to the public.

Mayor Curtis opened the meeting for Public Discussion:

Mr. Stan Niedzwiecki, 42 Johnson Avenue: Questioned the topics to be discussed in close session verses topics to be discussed in open session.

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

**Mayor Curtis offered the following Resolution to go into executive session.**

**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 litigation - COAH.**
- 3. It is anticipated at this time the above stated subject matters will be made public within 90 days.**
- 4. This Resolution shall become effective immediately.**

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

**The Governing Body went into Executive Session at 7:53 pm. At 9:26 pm the Governing Body came out of Executive Session and resumed the meeting.**

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

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**Laura Tuzzolino,  
Deputy Municipal Clerk**

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**William W. Curtis, Mayor**