

**March 5, 2012**

**The regular meeting of Mayor and Council of the Borough of Bay Head was held on March 5, 2012 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 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. 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*.**

**The roll was called for attendance. Present were Mayor Curtis and Councilmembers DeFilippis, Barnes, Glass, Magory, Urner and Borough Attorney, Jean L. Cipriani. Councilmember Green was absent.**

**Councilmember Glass moved to approve the regular and executive minutes of February 21, 2012. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: DeFilippis, Barnes, Glass, Urner. NAYS: None. NOT VOTING: Magory.**

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

**Councilmember DeFilippis, Public Works: We will begin construction on a new ADA ramp and door to the fire house. The work is being done with a grant and will start next week.**

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

**Councilmember Glass, Public Safety, read the Police Activity and Bay Head Fire Company reports for the month of February. A copy of the report is attached to these minutes. Councilmember Green asked me to announce that public works had received a grant to redo the tennis courts and that the work will be soon.**

**Councilmember DeFilippis: I don't think it was a grant but funding we put into the capital budget. The preliminary work as far as design is complete and the next step will be to go out to bid.**

**Councilmember Magory, Public Services, read the Zoning Officer and Construction Official reports for the month of February. A copy of the report is attached to these minutes.**

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

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

**Mrs. Applegate offered the following:**

- 1. Request from St. Paul's United Methodist Church for the use of Centennial Park and the Borough Hall restrooms for a Community Easter Egg Hunt on Saturday, April 7<sup>th</sup> from 9 am until 1 pm**
- 2. Request from Jersey Shore Devils American Youth Football and Cheer for the use of Howe Park on Mondays March 5<sup>th</sup> thru May 31<sup>st</sup> from 5:30 pm until dark**
- 3. Request from Bay Head Business Association to use the Council Room at Borough Hall for meetings on March 6, April 3, May 8, June 5, Sept. 10 and Oct. 9 at 5:30 pm**
- 4. Request from B. H. I. A. to use the Council Room at Borough Hall for meetings Friday, June 15<sup>th</sup> from 4 to 7 pm and Thursday, August 16<sup>th</sup> from 7 to 10 pm**

**Councilmember Glass moved to approve the requests. This motion was seconded by Councilmember Magory.**

**Councilmember Barnes: When is our second meeting in August?**

**Ms. Applegate: It will be the third Monday, August 20<sup>th</sup>.**

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

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

#### **Ordinance 2012-01**

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AMENDING AND SUPPLEMENTING THE MUNICIPAL  
CODE OF THE BOROUGH OF BAY HEAD, SO AS TO  
AMEND CHAPTER 147, ENTITLED "LAND USE"**

**Mayor Curtis: Tonight we are scheduled to hold the public hearing on this ordinance. As the Council is required to do when there are changes to the Land Use the ordinance is sent to the Planning Board for review. They have submitted some suggested changes. Before I open the ordinance for public discussion, I would like to have those discussed by Council. Councilmember Magory, Council Representative to the Planning Board will explain what changes the Planning Board has submitted to all of us.**

**Councilmember Magory: The first item was regarding the word hedges and hedges as contained in the ordinance. The ordinance was moving**

**hedged to three feet and holding it at three feet which is what we have done in the past. Unfortunately when we start thinking about things we don't always think them totally 100% through - and the comment there is that throughout the town maybe 40% has hedges in front of their home that are greater than three feet in height, and we were going to grandfather those - but if you think about it, it would be very difficult to enforce. So the suggestion came back to delete hedges from this ordinance because no way were we going to ask that they be removed. We do have an ordinance that covers the site triangle and no changes are proposed for that ordinance.**

**Mayor Curtis: If we eliminate the word hedges we are also going to eliminate Section 1 (2) concerning the grandfathering of hedges.**

**Councilmember Barnes: Even by removing hedges, we will still be complying with the site triangle ordinance so that is not being nullified in any way.**

**Councilmember Magory: And the Planning Board did clearly understand that.**

**Councilmember Magory: Item no. two was regarding swimming pools. Presently we have a building envelope of 35% and with the addition of a swimming pool you can cover 45%. We have since passed an ordinance which allows for impervious coverage of 50% therefore the ordinance for swimming pools allows only 45% coverage and if you don't have a swimming pool you are allowed 50% coverage. The Planning Board suggested that swimming pools be allowed behind the principal building. That really for a 50 X 100 lot makes no sense. There are a lot of homes in the town that have a swimming pool on the side. Lots vary in size, we have lots that are 100 foot frontage, 200 foot frontage or lots with a number of restrictions such as drainage, railroad. My recommendation would be to retain the section concerning swimming pools as proposed in the first reading which states that we are going to go from 45% coverage with swimming pools to 50% which is consistent with the balance of the ordinance.**

**Councilmember Glass: You have pools on the street and ocean side on East Avenue.**

**Councilmember Magory: There is a separate ordinance for pools on streets that abut water.**

**Councilmember Magory: The third item addresses the request from realtors requesting directional signs. We have specified five streets, which are the principal streets – Bay, Bridge, Osborne, East and Main. A small directional sign may be placed on Saturday and Sunday being removed by sundown. That was our original proposal. We have added, prior to the placement of the directional sign, the realtor is to come in and obtain a permit at a cost of \$5.00. We will also remove the wording "such as" and name the five streets. We want to make sure that all the realtors recognize that this is a privilege not a right.**

**Mayor Curtis:** An exception is also being made to place the directional signs between the curb and the sidewalk.

**Councilmember Barnes:** If the property for sale is on one of the five streets you can not put up a directional sign.

**Councilmember Magory** moved to remove the word hedges and the grandfather wording provision, remove the wording “such as” and list the five streets – Bay, Bridge, East, Main, Osborne and to provide for a \$5.00 fee allowing directional signs on Saturday and Sundays for each property. The motion was seconded by Councilmember Barnes and passed on roll call vote. **YEAS:** DeFilippis, Barnes, Glass, Magory. **NAYS:** Urner.

The first reading of Ordinance 2012-01 has been amended. The ordinance will be republished and the second reading and public hearing will be placed on the April 2, 2012 agenda.

**Councilmember Urner** offered Ordinance 2012-02 entitled:

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,  
COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR  
VARIOUS CAPITAL IMPROVEMENTS AND RELATED  
EXPENSES IN AND FOR THE BOROUGH OF BAY HEAD  
AND APPROPRIATING \$305,000 THEREFOR AND  
PROVIDING FOR THE ISSUANCE OF \$289,750 IN BONDS  
OR NOTES OF THE BOROUGH OF BAY HEAD TO  
FINANCE THE SAME**

**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.

**Susie VanSchoick, 111 Meadow Avenue:** I have a question about the directional sign.

**Mayor Curtis:** That is not covered in this ordinance.

**Connie Cardillo, 534 West Lake Avenue:** Does this include the tennis courts?

**Councilmember Urner:** Yes.

**Ms. Cardillo:** Who is doing the tennis courts?

**Ms. Cipriani:** It will have to go out to bid.

**Councilmember Glass:** The project is ready.

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

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

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

**Councilmember Urner offered Ordinance 2012-03 entitled:**

**AN ORDINANCE ESTABLISHING SALARY, WAGES, HOLIDAYS, SICK LEAVE, VACATIONS AND OTHER BENEFITS OF EMPLOYMENT FOR THE POLICE DEPARTMENT OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY, FOR THE CALENDAR YEAR 2012 THROUGH 2015**

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

**Councilmember Urner offered Ordinance 2012-04 entitled:**

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD, OCEAN, COUNTY, STATE OF NEW JERSEY, TO EXCEED THE 2012 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

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

**Mayor Curtis called for Unfinished Business.**

**Councilmember Glass: At the last meeting a resident questioned the stop location of the ice cream vendor at the intersection of East & Osborne. Geoffrey Barger, Traffic Safety Officer reviewed the intersection and feels the stop location should not change.**

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

**Councilmember Urner offered Resolution 2012-44 introducing the 2012 Municipal Budget and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Barnes, Glass, Magory, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2012-45 authorizing Self-Examination of the 2012 Budget and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote.**

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

**Councilmember Urner offered Resolution 2012-46 adopting 2012 Temporary Emergency Appropriations #3 and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Barnes, Glass, Magory, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2012-47 amending Resolution 2010-115 providing for salaries and compensation of Borough Officials and Employees for 2012 and moved it be adopted. This motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: DeFilippis, Barnes, Glass, Magory, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember Urner offered Resolution 2012-48 authorizing Deferral of Local School Tax and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Barnes, Glass, Magory, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

**Councilmember DeFilippis offered Resolution 2012-49 awarding a contract to Rex Steven Company, LLC for the construction of ADA Door Improvements at the Municipal Complex and moved it be adopted. This motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Barnes, Glass, Magory, Urner. NAYS: None. A copy of the resolution is attached to these minutes.**

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

**Ms. VanSchoick: I am trying to figure out the sign ordinance. Someone like Betsy Trapp who is over on Grove Street, so one sign can but put up on Bridge Avenue pointing south so we hope that they will see Grove Street and know where to turn. Are you allowed to put balloons at the house? Are balloons allowed on the directional sign?**

**Councilmember Glass: We don't have an ordinance against balloons.**

**Ms. VanSchoick: It will cost \$5.00 for each permit. Where do we go for the permit?**

**Councilmember Barnes: The ordinance states the Zoning Officer or any other designated official.**

**Ms. VanSchoick: Does every group who wants to put out signs have to pay \$5.00?**

**Mayor Curtis: No, but they are not allowed to place the signs between the curb and the sidewalk. All other signs have to be on private property.**

**Ms. VanSchoick:** Can the sign say Open House with an arrow or does it only have to be an arrow?

**Councilmember Barnes:** The size of the sign can not be over 2 sq. ft. in area.

**Ms. Cardillo:** If the ice cream vendors are allowed to back up the street ends – no traffic will be able to come or go.

**Ms. Cipriani:** No one is allowed to operate their ice cream truck in a congested area.

**Ms. Cardillo:** Would you take a look at the number of lights on all night inside and outside of the Bay Head Reading Center?

**Mayor Curtis:** We will look into it.

**Bob Hein, 204 East Avenue:** On your new calendar on the web site could you post up coming events such as the garage sale, clam bake etc.

**Councilmember Barnes:** All local events are posted once they have been approved by Mayor and Council.

There being no further comments Councilmember Urner moved to approved the vouchers for payment, which motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: DeFilippis, Barnes, Glass, Magory, 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**