

November 1, 2021

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on November 1, 2021 at 7:00 pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis asked everyone to stand and join 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 on the bulletin board at 83 Bridge Avenue on January 7, 2021 and was published in *The Ocean Star* on January 15, 2021 and the *Asbury Park Press* on January 14, 2021.

The roll was called for attendance. Present were Mayor Curtis, Councilmembers Gates, Cornell, Barnes, Shaning, MacPherson, Lyons; Borough Attorney, Jean Cipriani and Borough Administrator, Frank Pannucci.

Councilmember Lyons moved to approve the regular and executive minutes of October 4, 2021. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

Mayor Curtis: Council approved the Borough Administrator, Frank Pannucci to approach Ocean County Land Trust to see if they would be interested in buying 174 Twilight Road. Conversations were held with Commissioner Quinn and Commissioner Haines and they are pursuing it. The sale will be between the Ocean County Land Trust and the owner of the property.

Mayor Curtis called for Committee Reports.

Councilmember Gates, Public Services: There will be a special Planning Board meeting on Monday, November 8, 7 PM concerning the Reexamination of the Master Plan. A copy is available for review on our website with a link to join the meeting.

He read the Zoning Officer report for the month of September. A copy of the report is attached to these minutes.

Councilmember Cornell, Public Works: Bay Head Environmental Commission will hold a special meeting on Tuesday, November 9, 7 PM concerning Flooding Issues. The meeting will feature a presentation by Rick McGoey summarizing the findings of the BHEC Flooding Sub-Committee followed by a question and answer period. Please join us in person or virtually which link you can find on the Borough website. If you can't a recording will be available after.

Public Works is continuing to work on a number of projects. A check valve was installed at Twilight Road. Funding was received for roadwork on Grove and

Wyndham, this project will start in the spring of 2022. Please contact me if you have any questions.

Councilmember Barnes, Legal and Planning: The sign ordinance is not ready for tonight so it will have to wait until 2022 to be introduced. Tonight we are introducing an ordinance revising the noise ordinance – it will clarify the use and restriction of blowers. We are also introducing an ordinance to prohibit parking in the parking lot beside the Post Office. There is a private lot behind the Post Office building that gets blocked because of people parking – this ordinance will allow signs to be posted hopefully preventing that. This issue was brought to our attention by the owner of the property and Chief Hoffman.

Councilmember Shaning, Public Safety, read the Fire Department report and the Police Report for October. A copy of the report is attached to these minutes.

Our officers assisted Mantoloking with two serious offenses. Ptl. Kraus and SLEO Daber assisted Mantoloking PD with a female from Toms River high on drugs. She assaulted Ptl. LaRue biting him on the arm, she was taken into custody with the assistance of our two BH Officers. Ptl. LaRue was treated and released from the hospital.

The second incident was a motor vehicle accident on Rt. 528 crashing into a utility pole. Ptl. Kraus and SLEO Daber again assisted Ptl. LaRue. The driver had an AR 15 assault rifle which the officer observed. He was removed from the vehicle at gunpoint and taken into custody. Further investigation led to recovering numerous high capacity magazines, fully loaded, a “ghost” handgun and numerous loaded magazines for the handgun. Both weapons were loaded and ready for firing. The suspect also was wearing a bullet proof vest and carrier. All officers did an outstanding job on both calls. I mention this because it is a different world out there – and to let you know the dangers our police officers face every day. Lock your homes and cars and be careful.

Councilmember MacPherson, Parks, Grounds and Recreation:

The Pumpkin Contest, Pet Parade and Halloween Parade had to be cancelled due to flooding.

Next year the Bay Head Recreation program will have events in town for all residents – we are working on that so if you want to participate please give me a call.

The Beautification Committee is in the process of planning for 2022 – there is still room on the committee. They have a lot of new ideas for next year.

Councilmember Lyons, Finance and Technology: We are in the budget season planning for 2022. We are going to be purchasing equipment for next year to record and post Council meetings to our website. This is in response from a number of residents. The Best Practices Report is being submitted to the State.

Frank Pannucci, Borough Administrator: The Budget is the biggest item we are working on at this time getting ready for 2022. Ocean County Commissioners were very receptive to our request for Land Trust Funds.

Councilmember Barnes: Deer crossing signs have been installed on Bay Avenue. Is there any truth that coyotes are in the loop?

Chief Hoffman: I haven't seen them but there is a lot of animal life back in the loop. The signs are to warn motorists of the deer. A few have been hit there.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from Bay Head Business Association for Lanterns on the Lake, August 6, 2022 at 7 pm

Request for Raffles License from All Saints Women's Guild for event to be held at the church on November 13, 2021 from 10 am to 3 pm

Request for Raffles License from Bay Head Home and School Association for 50/50 drawing to be held on December 2, 2021 at 7 pm at 145 Grove Street, Bay Head

Request for Raffles License from All Saints Women's Guild for event to be held at the church on December 1, 2021 at 4:15 pm

Councilmember Lyons moved to approve the requests which was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

Mayor Curtis called for Resolutions.

The title of each Resolution was read by the Clerk:

Resolution 2021-132
Transfer Resolution

Resolution 2021-133
Requesting change in Title, Text or Amount of Appropriation
Pursuant to N.J.S.A. 40A:4-85

Resolution 2021-134
Authorizing the Execution of an Employment Agreement with
Andrew C. Rempfer, Part-Time Construction Official, Building
Subcode Official, Building Inspector HHS and Flood Plain Manager

Resolution 2021-135
Amending Salary Resolution 2021-69 Providing for Salaries and
Compensation

Councilmember Lyons moved the above resolutions be adopted. The motion was seconded by Councilmember Barnes.

Mayor Curtis asked if there were any questions from the public concerning the resolutions presented.

Tom Kaelin, 191 Osborne Avenue: The Resolutions aren't posted on the website?

Mr. Pannucci: No only the agenda.

There being no further comments or questions the public comments period was closed. The motion passed on roll call vote: YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis called for Ordinance, Second Reading, Public Hearing, Vote.

Ms. Applegate read Ordinance 2021-16 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF NEW JERSEY, CREATING CHAPTER 217 OF THE BOROUGH
CODE OF THE BOROUGH OF BAY HEAD, WHICH SHALL BE ENTITLED
"UNMANNED AIRCRAFT"

Councilmember Lyons moved this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Barnes.

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

Mr. Kaelin: Do we really need this ordinance? Drones are already required to go by State and Federal regulations. I believe it came about by a comment made by Councilmember Lyons. I don't see how it can be enforced. How did it get to the top of the priority list?

Mayor Curtis: It is to make a statement – to bring it to the public's attention.

Ms. Cipriani: There are some difficulties around enforcement. Local law enforcement can't enforce federal regulations but the local ordinance does allow some local enforcement.

Mr. Pannucci: Several other towns have adopted similar ordinances.

Councilmember Lyons: If it is in the line of site it is a violation. This ordinance is to make people aware.

Mayor Curtis closed the public hearing.

The motion passed on roll call vote. YEAS: Gates Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Ordinance, First Reading.

Ms. Applegate read Ordinance 2021-17 by title:

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 163, ENTITLED "NOISE"

Councilmember Lyons moved this ordinance on first reading, which motion was seconded by Councilmember Barnes.

The motion passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

This ordinance is scheduled for second reading and public hearing on December 6, 2021.

Ms. Applegate read Ordinance 2021-18 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN
STATE OF NEW JERSEY, AMEND CHAPTER 222 OF THE BOROUGH CODE
OF THE BOROUGH OF BAY HEAD, ENTITLED "VEHICLES AND TRAFFIC"

Councilmember Lyons moved this ordinance on first reading, which motion was seconded by Councilmember Barnes.

The motion passed on roll call vote: Yeas: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

This ordinance is scheduled for second reading and public hearing on December 6, 2021.

Mayor Curtis called for Unfinished Business, there was none.

Mayor Curtis called for New Business, there was none.

Mayor Curtis opened the meeting to the public.

Shannon Curtis, 1500 Bay Avenue: I would like to thank Chief Hoffman for working with the Bay Head School last Thursday and making our trunk or treat happen. It had to be moved from the rear of the school to the front because of flooding.

Mr. Kaelin: I have been looking at the financial statement for 2020 and 2019. There seems to be an adverse opinion about a fund and it gets larger and larger. I am just trying to figure out if it is an issue or not.

Mr. Pannucci: There are opinions in all budgets. That is why you can't compare apples to apples. If there were issues it would be listed in the comment section.

Mr. Kaelin: It looks to be growing at a significant rate – can we get some clarification?

Mr. Pannucci: That is the clarification.

Ms. Cipriani: Please put your concern in writing and we will get a response from our CFO.

Mr. Kaelin: You stated you are purchasing recording equipment for Council meetings. Where do you stand on in person and remote meetings?

Councilmember Lyons: We aren't doing hybrid meetings (Go To Meetings). We have decided to record the meetings and make them available on our website. It is the cheapest and most effective way instead of very expensive equipment.

Mr. Kaelin: Not everyone lives year round in Bay Head. When the meetings were virtual there were 100 people attending. People do want to know what is going on. It would make the Council much more transparent to the residents.

Ms. Cipriani: Minutes have to be approved before they are posted but a tape speaks for itself and could be posted immediately. You can see what is going on by listening to the tape. If you have questions you can send them in. You are correct that there would not be a discussion back and forth but that doesn't affect the transparency of the meeting.

Councilmember MacPherson: When will the Planning Board go to in person meetings?

Councilmember Gates: Not at this time.

Mr. Kaelin: I sent an email concerning the traffic on Warren Place. The trucks going in and out are massive. I just want to make you aware that NJT is doing something back there.

Mayor Curtis: I called NJT and they stated it is not part of the project.

Chief Hoffman: I will address it tomorrow with NJT.

There being no further comments the public discussion was closed.

Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A list of vouchers is attached to these minutes.

There being no further business, Councilmember Lyons moved the meeting be adjourned. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor