

December 6, 2021

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on December 6, 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; Borough Attorney, Jean Cipriani and Borough Administrator, Frank Pannucci. Councilmember Lyons was absent.

Councilmember Barnes moved to approve the regular minutes of November 1, 2021. The motion was seconded by Councilmember Cornell and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, MacPherson. NAYS: None.

Mayor Curtis called for Committee Reports.

Councilmember Gates, Public Services: There will be a Planning Board meeting on Wednesday, December 15, 6:30 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 Construction, Code Enforcement and Zoning report for the month of November. A copy of each report are attached to these minutes.

Councilmember Cornell, Public Works: Bay Head Environmental Commission held a special meeting on Tuesday, November 9, 7 PM concerning Flooding Issues. A presentation was made by Rick McGoey summarizing the findings of the BHED Flooding Sub-Committee followed by a question and answer period. It was amazing well attended by 200 people, both in person and virtual. If you were unavailable to attend, we have a slide presentation on our website. We are grateful for all the work Rick did, it was amazing. The Environment Commissions next meeting will be Tuesday, December 14, 2021 at 5:30 pm. Princeton Hydro will make a presentation.

Mayor Curtis: Several towns have approached us about our Flood Report. It has been very well received.

Councilmember Cornell:

Public Works did a lot over the month of November – decorating the town with the help of Holly and the Beautification Committee.

She read from the Public Works Report which is attached to these minutes. Public Works had a meeting last week requesting two resolutions that are on the agenda tonight. HVAC for this building and repairs to the Strickland Street Pump Station.

Lastly, the joint venture with Mantoloking on Clayton Avenue has started and when finished will only have a temporary layer until the spring.

Councilmember Barnes, Legal and Planning: Tonight we will be conducting a public hearing on Ordinance 2021-17. It will clarify the use and restriction of blowers. We will also be acting on Ordinance 2021-18 prohibiting 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.

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

Councilmember MacPherson, Parks, Grounds and Recreation:

The Christmas Walk was held last Friday evening – it was a beautiful evening and the Bay Head Business Association out did themselves. There were wall to wall people and smiles from ear to ear.

We are looking for a summer camp director, so get the word out. This program is held at the Bay Head School for six weeks each summer.

Thanks to Public Works, the Seaweeders and the Beautification Committee for all the decorations.

Beautification Committee is in the process of planning for 2022 – they are looking for volunteers, there is still room on the committee.

Trees have recently been planted along Main Avenue by NJ DOT.

Bay Head Life – tomorrow night will be our 2<sup>nd</sup> Speaker Series at 7 pm. The topic is Mindfulness and Meditation presented by Sally Younghan. Please come out and learn how you can utilize these practices in your daily life.

Frank Pannucci, Borough Administrator: This is Budget season. We have started reviewing and have a meeting scheduled for December 15<sup>th</sup>.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request for Raffles License from Sacred Heart Holy Name Society  
for 50/50 drawing each month in 2022

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

Mayor Curtis called for Resolutions.

The title of each Resolution was read by the Clerk:

Resolution 2021-136

Authorizing the Execution of a Shared Services Agreement with the County of Ocean for Driving While Intoxicated Enforcement Program

Resolution 2021-137

Authorizing the Execution of a Shared Services Agreement with the County of Ocean for Drug Recognition Expert Callout Program

Resolution 2021-138

Awarding a Professional Services Contract to Van Cleff Engineering Associates to provide Engineering Services Associated with Updating The Storm Drain Infrastructure Key Map

Resolution 2021-139

Awarding a Professional Services Contract to Van Cleff Engineering Associates to provide Design, Bidding, Contract Administration and Inspection Services for the CDBG Handicap Accessibility Improvement Program

Resolution 2021-140

Authorizing Payment to Employees for Hours of Accrued Compensatory Time from the Budgetary Provision Approved as Police Salary and Wages

Resolution 2021-141

Accepting State of New Jersey, Office of Homeland Security and Preparedness Grant Memorandum of Understanding with the County of Ocean

Resolution 2021-142

Transfer Resolution

Resolution 2021-143

Awarding a Contract to TBS Services, Inc. for Engineering Services related to the Investigation of Humidity Control Issues in the Municipal Building

Resolution 2021-144

Authorizing Payment to Employees for Hours of Accrued Compensatory and Overtime

Resolution 2021-145

Authorize Emergency Contract for Necessary Repairs and/or Replacement of the Strickland Street Pump Station in an amount not to exceed \$225,000

Resolution 2021-146

Create Emergency Appropriation in the amount of \$225,000 and Three Percent of the Total Operation in the Budget for the year is \$128,929

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

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

Paul Brennan, 157 Osborne Avenue: Could you explain Resolution 2021-142.

Mr. Pannucci: Municipalities are allowed to transfer funds from one-line item to the next the last two months and the first two months of the year. This is what we are doing.

Mr. Brennan: How about Resolution 2021-146?

Mr. Pannucci: Our pump station has two pumps and one is down. We feel this is an emergency that needs immediate attention.

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. 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 2021-17 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 Barnes moved this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Cornell.

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

Tom Kaelin, 191 Osborne Avenue: What does this ordinance really do? What is noise and how is it enforced. The present amount of landscaping is incredible as well as the pollution. I have read the ordinance ten times and still don't understand it.

Mayor Curtis: An ordinance is a living instrument and can be changed anytime. Our Chief of Police is looking into decibel levels but at this time we don't have a machine to measure or anyone certified to operate.

Mr. Kaelin: Can we ban blowers from September to May?

Captain LaSpina: We have issues not only with blowers but weed whackers, wind chimes etc. There is no time limit in our ordinance for noise – it is 24/7. If we get a call for noise, we respond and try to appease the complainant.

Mayor Curtis closed the public hearing.

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

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

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance. There being no questions or comments the public hearing was closed.

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

Mayor Curtis called for Unfinished Business, there was none.

Mayor Curtis called for New Business.

Councilmember Shaning: I have been approached by a member of the Bay Head Fire Department about an electric sign they would like to install on their property. The message would run across. They would like to have our approval. The BHBA is interested in participating in the cost of the sign. I don't have all the details but would like to arrange a meeting between Council and the Fire Company. I am not sure if they have to go through the Planning Board or get permission from the Borough to do this.

Mayor Curtis: Only three councilmembers can meet with them.

Ms. Cipriani: I would like to be involved so everyone understands the sign process.

Councilmember Shaning: Frank our Borough Administrator will contact us to set something up.

Mayor Curtis opened the meeting to the public.

Mr. Kaelin: Does the Borough Council have any plans or goals for 2022? I would like to see you work on communication – have an Annual Borough Calendar. This would be helpful to all of us to understand when the meetings are. Also some other towns have nonresident voters on Council.

Mr. Pannucci: There is a Non-Voter Taxpayer meeting held the third Monday of August every year.

Councilmember Cornell: What do you want to see done with communication?

Mr. Kaelin: Update the website. Use the alert system to push notifications out.

Councilmember MacPherson: We plan on revamping the website and our calendar. We also hope to have an email system that you can sign up to receive a newsletter or additional information that is going on at the time.

Mr. Kaelin: The time listed on the website for the Planning Board meeting on December 15<sup>th</sup> is 7:30. Tonight it was announced to start at 6:30. A lot more people signed in for the Flood Meeting and the Planning Board Master Plan meeting. Council should consider going back and having virtual meetings as well as in person meetings. People want information.

Mr. Pannucci: All is good stuff and in the plan for 2022.

Rick McGoey, 50 Harris Street: Who is the lead on updating the website?

Mayor Curtis: The Finance and Technology Committee.

Mr. Brennan: I don't think it is in the works to have these meetings on line. You should have these meetings on line to encourage participation in the decision making process. As you can see, not many people go out to an in person meeting. I feel we should be live on line.

There being no further comments the public discussion was closed.

Councilmember Gates 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. NAYS: None. A list of vouchers is attached to these minutes.

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

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Patricia M. Applegate, Municipal Clerk

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William W. Curtis, Mayor