

June 7, 2021

The regular meeting of the Mayor and Council of the Borough of Bay Head was conducted on June 7, 2021 at 7:00 pm using the GoToMeeting platform.

Mayor Curtis called the meeting to order and welcomed everyone.

Tonight, we will attempt to go through the meeting as usual. There are five public comment sessions scheduled as part of this meeting. One for resolutions, three for each ordinance, and one for the public discussion portion of the meeting. At the appropriate time, I will open the floor to public comment. If a member of the public wishes to comment they must state their name. I will recognize each person separately and relinquish the floor to that person. Once I have relinquished the floor, the person who wishes to comment must once again state their name and provide their address for the record. I will continue this process until all comments are heard. I will then close the floor to public comment and move to the next item on the agenda. Each will be given a limit of five minutes to speak. Hopefully, we will have a live meeting on July 12th.

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 Administrator, Chris Parlow and Borough Attorney, Jean Cipriani.

Councilmember Lyons moved to approve the regular and executive minutes of May 3, 2021. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, MacPherson, Shaning. NAYS: None. Not Voting: Lyons.

Mayor Curtis called for Committee Reports.

Councilmember Gates, Public Services, read the Construction Official, Zoning Official and Code Enforcement report for the month of May. A copy of each report is attached to these minutes.

Councilmember Cornell, Public Works: The Public Works Report for the month of May is posted for your review. Paving is complete on Bayberry, Egbert and Club Drive. They will be working on a punch list. One item is puddling at Grove and Club which we hope to fix. We have had a preliminary inspection of our sanitary sewer system and are waiting on the engineers report. The survey has been done

for work to be done on Lake Avenue south of Bridge. We are looking at the flooding but this work will be mostly resurfacing. Tomorrow or Wednesday surveying will be done on the northern part of Lake. We are waiting on the county to see what they have planned for Lake and Osborne Avenue intersection but have not heard back. When we do our engineer will work with them.

The Environmental Commission will be back to in person meetings next month. They meet the 2nd Tuesday of the month. The public is always welcome. They will be selling native plants at Art in the Park on June 27th and participated in Earth Day. A subcommittee is working on the flooding in town with Public Works and our engineer.

Councilmember Barnes, Legal and Planning: We continue to work on the sign ordinance. Believe it or not it involves a lot of first amendment issues. I have met with Jean and it is still being revised. We are looking to update our employee handbook. Lastly, we continue working on ongoing litigation.

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

I have a Special Report from Chief Hoffman: On May 25, 2021 at 6:30 pm a purse was taken from an unlocked vehicle. The keys or fob weren't in the car so it wasn't stolen. Mantoloking and Brick Police were looking for a vehicle and a Bay Head officer saw it on Clayton Avenue. They were in pursuit but stopped on Route 35 because the driver was driving north in the south bound lane. On May 26, 2021 a vehicle was stolen from an address on Strickland Street. The vehicle was tracked and recovered in North Jersey and the purse was found in the car. They were arrested in Elizabeth, with a hand gun in their possession. Five outstanding warrants have been issued in relation to the motor vehicle theft. Lock your vehicles and remove the keys or fob – they work very quickly. They are really bad people so do not engage them directly, they may have a gun. Call the Police.

Councilmember MacPherson, Parks, Grounds and Recreation:

Be a part of Bay Head Life. Sign up for the weekly emails, there are a lot of events happening in town. You can also check out the calendar on our website. There are exercise programs, sunset paddle the 1st Sunday of the month, beach walkers every Monday.

The first Mayor's Walk will be this Wednesday at 9 am at the town clock.

4th of July Bike Parade will start from the parking lot of Sacred Heart Church so decorate your bike and join in.

The Farmer's Market will start in July.

I would like to thank the Seaweeders Garden Club for all the decorated pots around town.

Thanks to Rick McGoey and Bob Hein for all the work they do at NJ Transit. They have made it very nice and clean for those arriving by train.

Beautification – a couple of residents are making an effort to clean up certain areas in town. Patrick Higgins and his wife have taken on an area near Sacred Heart Church. If you want to take on a section, please let me know.

Bay Head Summer Camp will be July 5, 2021 to August 13, 2021 and the application is posted on our website. The program will run Monday thru Thursday and be capped at 40.

Mayor Curtis: The Walk will start at 9 am from the clock and we will be visiting new businesses in town. One stop will be at 519 Main Avenue, Port Coffee with demonstrations and free samples. Come and join us.

Councilmember Lyons, Finance and Technology: I don't have a report on Finance. IT: We are purchasing mobile devices and software which will allow our inspectors to do their work in real time. They will be able to check their schedule, make notes for other inspectors which will improve the flow of work. An ordinance and resolution are on the agenda tonight to make this happen. I would like to thank Darren Erbe our Planning Board Secretary, Technical Assistant to the Building Department and Code Enforcement Officer for bringing this to our attention and improving the service that we offer our citizens.

Mayor Curtis: Before Chris gives his report I would like to say how unfortunate it is that Chris will be leaving Bay Head. He will be sorely missed. His knowledge and assistance has been very helpful to us concerning things coming out of federal and state government. We wish him all the best.

Mr. Parlow, Borough Administrator: I appreciate your kind words. I appreciate the 3 ½ to 4 years here helping through COVID and keeping the ship going. It was a difficult decision to make but the best for me and my family.

I have one item. For the last nine months I have been working on the 6-year verification audit for our CRS Program. This program allows you a discount on your flood insurance. Our biggest hurdle was the review of elevation certificates. For this audit that was what FEMA focused on. I am happy to report we did respond and fixed the majority of the certificates. We need to have 90% or better and we passed the test. The Borough will retain Class 6 rating which allows a 20% discount. In 2019 there were 721 flood policies written with a cost of \$881,000.00. That works out to be a collectively savings of over a \$175,000.00 to the residents who participate in the program. We have to provide our residents with flood information if they request it. If you have a question about your base flood contact me, the construction official or the technical assistant. We can address and share that information with you.

Ms. Cipriani, Borough Attorney: Just an update on the pending litigation against NJ Transit. The Borough had filed its motion for summary judgement and injunction several months ago. It was finally heard about three weeks ago, but we have not received a decision. In the interim, Safe Barnegat Bay filed for an amendment to the complaint and injunction on new issues regarding threatened and endangered species, specifically the ospreys. That was argued today. We also support this issued but didn't file. The Judge hasn't ruled on that either. We are expecting a response from the Court fairly soon.

Chief Hoffman: I just want everyone to know the importance of keeping your cars locked. Those stealing the vehicles locally are also tied to other crimes. Detective

Sherman is working with other departments, using our cases to spearhead and stop the bigger groups that are doing this.

Mayor Curtis: Recently the beach took a hit. BHIA is working on the public access ways. BHIA has paid 100% of the costs for this storm repair. It is not coming from your taxes, DEP or FEMA. We are looking at some studies to prevent the middle beach from washing out.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from Point Pleasant First Aid and Emergency Squad to hold a Coin Toss on Saturday, August 14th from 9 am to 4 pm at the corner of Bridge and Lake Avenue

Request from Patrick Higgins, 70 Strickland Street to close Strickland Street from Clayton Avenue to the Bay on June 26th from 2 to 5:30 pm for his daughters 21st Birthday Party

Request from Sally and Jon Younghans to close Mount Street from Lake Avenue to Scow Ditch on Thursday, June 17th from 6 to 10 pm

Any approvals will be regulated by the Executive Order at the time of the event.

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 2021-89
Authorizing the Execution of a Jurisdictional Agreement with the New Jersey Department of Transportation for Route 35

Resolution 2021-90
Appointing Melissa Wolleon Part-Time Summer Recreation Coordinator

Resolution 2021-91
Appointing Kate Blundin, Megan Sarlund, Madelyn Akersten, Audrey Akersten and Lilly Hesse Part-Time Assistant Summer Recreation Coordinator

Resolution 2021-92
Amending Resolution 2021-69 Providing for Payment of Salaries and Compensation of Borough Officials and Employees for 2021

Resolution 2021-93

Requesting the Director of the Division of Alcoholic Beverage Control to act upon the Request of the Bay Head Yacht Club, Inc. for Renewal of its Liquor License for 2021/2022

Resolution 2021-94

Approving the Renewal of a Plenary Retail Distributing License Issued to Burke's Market, LLC for the 2021/2022 License Term

Resolution 2021-95

Approving the Renewal of a Plenary Retail Consumption License Issued to Shoppers Wharf, LLC t/a Charlie's of Bay Head for the 2021/2022 License Term

Resolution 2021-96

Approving the Renewal of a Plenary Retail Distribution License Issued to And Bottles Too, Inc. for the 2021/2022 License Term

Resolution 2021-97

Supporting NJ Board of Public Utilities Rejecting the Petition of New Jersey Natural Gas Company for a 25 Percent Customer Rate Increase

Resolution 2021-98

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

Resolution 2021-99

Authorizing to enter into a Cooperative Pricing Agreement with Foveonics Document Solutions through the Education Services Commission of New Jersey Co-Op #65MCESCCPS

Resolution 2021-100

Authorizing Refund of Taxes Due to Duplicate Payment

Resolution 2021-101

Authorizing Expenditures from the Capital Improvement Fund for Preliminary Expenses for Flood Remediation Study

Resolution 2021-102

Providing for Salaries and Compensation of the Police Department of the Borough of Bay Head for 2021

Resolution 2021-103

Awarding a Professional Services Contract to O'Donnell Stanton & Associates to Provide 2021 Consulting Engineering Services – Flooding Remediation Study

Resolution 2021-104

Awarding a Professional Services Contract to O'Donnell Stanton & Associates to Provide 2021 Consulting Engineering Services in Conjunction with the Bay Head Planning Board to Assist in Flood Study

Resolution 2021-105
Authorizing the Sale of Surplus Property no Longer Needed For Public Use
VIA Internet Auction Website

Resolution 2021-106
Capital Budget Amendment

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. There were none.

The motion passed on roll call vote: YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. Councilmember Barnes did not vote on Resolution 2021-92. Councilmember Lyons did not vote on Resolution 2021-92 or Resolution 2021-95. A copy of each resolution is attached to these minutes.

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

Ms. Applegate read Ordinance 2021-08 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HED, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE
MUNICIPAL CODE OF THE BOROUGH OF BAY HED SO AS TO AMEND
CHAPTER 17, ENTITLED "LAND USE"

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.

John Berko, 214 Park Avenue: Could you explain the purpose of this ordinance?

Ms. Cipriani: As you may be aware cannabis legislation was passed and municipalities have 180 days to address the licensing and zoning to permit retail or industrial growth. If you don't act that would be permitted for five years. So, most municipalities are acting on this by passing local legislation. This ordinance will not prevent delivery into Bay Head but no business will be housed in Bay Head.

Mr. Berko: Thank you.

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

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

Ms. Applegate read Ordinance 2021-09 by title:

AN ORDINANCE ESTABLISHING SALARY, WAGES, HOLIDAYS, SICK LEAVE, VACATIONS AND OTHER BENEFITS OF EMPLOYMENT OF CERTAIN OFFICIALS AND NON-UNION EMPLOYEES OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY

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. There being no questions or comments the public hearing was closed.

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: Before we move on to Ordinance 2021-10, I would like to call for Ordinance, First Reading.

Ms. Applegate read Ordinance 2021-11 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR THE ACQUISITION OF COMPUTER EQUIPMENT IN THE AMOUNT OF \$10,000 AND PROVIDING FOR THE ISSUANCE OF \$9,500 IN BONDS OR NOTES FOR THE BOROUGH OF BAY HEAD TO FINANCE THE SAME

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 July 12, 2021.

Mayor Curtis: We will now continue on with Ordinance, Second Reading, Public Hearing and Vote.

Ms. Applegate read Ordinance 2021-10 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A LEASE OF A PORTION OF BAY HEAD RECYCLING CENTER FOR THE DESIGN, PERMITTING, CONSTRUCTION AND MAINTENANCE OF A NEW, SELF SUPPORTING 150' TREE MONOPOLE AND RELATED FACILITIES

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

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

Michael Kaschak, 229 Evergreen Drive: Who is the organizer of this meeting? Could you explain why the attendees are blocked? It would be nice to know who is on the call – level of transparency.

Mr. Parlow: I am the organizer. I can't disable that at this time.

Mr. Kaschak: What is the impact of the diesel fuel at NJ Transit on our wetlands?

Ms. Cipriani: Is your question – if anyone has looked into the wetlands issue, in regard to this project as was looked into with the project at NJ Transit? If you read the advisor report the wetlands were noted. The vendor will have to make application to CAFRA.

Mr. Kaschak I am asking about the spill containment used when you refill a diesel generator.

Ms. Cipriani: If required they will have to get a permit from DEP.

Mr. O'Scanlan: The generator proposed will run on natural gas not diesel. They will have to conform with all requirements.

Mr. Kaschak: The power point says diesel.

Ms. Cipriani: The bidder is responsible to obtain any permits in that regard.

Mr. O'Scanlon: If it is not natural gas they will have to navigate to conform to all DEP requirements and if they can't they will have to obtain those permits, meeting all standards.

Mr. Kaschak: My cell phone worked after Sandy, the entire time and I had zero water or electric.

Mr. O'Scanlon: Unless there was a cell tower powered, your cell phone won't work.

Councilmember Lyons: I did not have cell service. I have Verizon and didn't for a long time. I had to use our neighbors land line.

John Berko, 248 Park Avenue: This issue has been discussed more than any other topic but the site wasn't approved until the January 4th meeting. Our cell expert hasn't had time to review. The bottom line is that there are 3 or 4 homes that are only 125' from the cell tower. I have questions for council and would like to hear from them and not the professionals. Will the ground equipment be in the open or in a building?

Ms. Cipriani: You can't select who answers your question.

Mr. Berko: The governing body is not you or Declan and the Mayor can't vote. This is going to have an impact on us. Have you seen a 150' tower in person? Why does it have to be 150'?

Councilmember Cornell: I did question the height. It is higher because of the distance from the existing tower.

Mr. Berko: If you look at the map and by moving it ½ mile closer to Point Pleasant Beach and to Point Pleasant Borough it would actually be closer to the network.

Mr. O'Scanlon: The present water tower is 120' – as you move away you have to make up in height.

Mr. Berko: If you drive ½ mile south you still have cell service.

Mr. O'Scanlon: An influx of people also impacts the system. I am telling you what the cell companies have told us.

Mr. Berko: Has anyone seen the pictures I sent to you today showing the tower in Sea Bright?

Mr. O'Scanlon: I work with Sea Bright on that. I have spent 20 years working on hundreds of projects. The Sea Bright was a new site in the middle of an existing network. The site has challenges. We felt two towers in Bay Head wouldn't work. To avoid a 2nd tower we added another 20' to the height. The tower will be disguised as a tree. I can tell you that once the structures are built they become acceptable – everyone needs their cell phone network. A flag pole won't work in Bay Head. With a flag pole you need 20' instead of 10' of vertical height for each carrier.

Ms. Cipriani: This is the 15th meeting including two special meetings on this topic. The obligation of the governing body has been met and there are two experts that worked with the Task Force Committee. It has been five months since the January 4th meeting. We have to rely on our experts.

Mr. Berko: No one can get all the facts in 15 minutes. There was only one meeting after the site was chosen.

Mark Durham, 520 Lake Avenue: The water tower is coming down within the next 6 months. Everyone wants to maintain cell service. The work the committee did was thorough and in the end there were very few options to locate a tower. Shame on you for opposing and you should have been aware of what was going on.

Ms. Cipriani: This topic was on the agenda in January, February, May and now June. Your concerns could have been discussed at any of those meetings.

Mr. Berko: You don't have to act tonight. We have a temporary tower and it can stay there as long as needed.

Angela Vaughan, 253 Evergreen Drive: There are 90 people on this call. This has been a boots on the ground effort. I never heard about this until late March. There is no way I want to live near this tower. We will fight this and have retained an attorney.

Carolyn Kaschak, 229 Evergreen Drive: I have worked with Angela canvassing the area and we only spoke to two who had any real knowledge of what was going on or had any real information. You can say shame on us but why wasn't the Bay Head notification system used to let us know? I receive notifications for the painting of lines on the street, secure patio furniture but you neglected to use it to notify residents of the tower.

Janet Malone, 1618 Bay Avenue: The majority of the meetings and discussion seemed to be on the temporary tower. Councilmember Barnes stated as the Legal Committee they updated codes and ordinances. The cell ordinance was written in 2005 – has it been amended?

Councilmember Barnes: Only minor additions.

Ms. Malone: For all residents you should try and get it out of town.

Councilmember Barnes: No one wants the cell tower in town. We all live in town. I live on Bay Avenue and I am not thrilled about it but I am also concerned with cell service.

Ms. Malone: Usually the town is helping residents fight a tower. What is the update from the Historical Preservation Office?

Mr. O'Scanlon: I don't believe the cell company has made application but they will have to go through that process.

Ms. Malone: What will be the impact to the historic district? Do you know how many homes will be impact at the DPW site vs. the Firehouse? If this passes will we be get notification prior to construction – 200' notification to neighbors?

Ms. Cipriani: As part of the bid – council has final approval of design. They don't have to comply to the Borough Code. You would only receive notification if they had to go through a site plan review – which they don't. At most there will be a cursory review by the Planning Board.

Ms. Malone: You feel the impact is less at the DPW site. Last question – The town was behind Hands Across Twilight Lake because of the concerns about wetlands and wildlife which was only on the east side. There doesn't seem to be any support for the west side – can't figure it out.

Mr. Berko: Why don't the cell companies be directed to go to Johnson Brothers – that is east of the canal and I believe they would get Planning Board approval.

Mr. O'Scanlon: They don't believe they could obtain Zoning Board approval.

Mr. Berko: No one tried to get approval. Did you try to get CAFRA approval to leave the permanent tower at the Fire Company property?

Chris Dombalis, 452 Lake Avenue: That eyesore is right beside my house. Mr. O'Scanlon do you get paid by the Borough of Bay Head?

Mr. O'Scanlon: I only get paid when and if we resolve the issue. I never have pushed a project and have said to many not to move forward. I only get paid if we have a viable project.

Mr. Dombalis: Are you providing oversight to the procurement of the temporary tower?

Mr. O'Scanlon: I helped to coordinate but I don't provide direct oversight.

Mr. Dombalis: Did they have to get a CAFRA permit for the temporary tower at the Firehouse?

Mr. O'Scanlon: It was an emergency situation and they were allowed to move forward without CAFRA.

Mr. Dombalis: Do they have permit #21?

Mr. O'Scanlon: They got all permits that were required or needed in order to put up the tower at the temporary site.

Mr. Dombalis: It is only 50 feet from the low tide line at Scow Ditch. I would like to see those permits and the Environmental Impact Statements.

Ms. Cipriani: This public discussion is on Ordinance 2021-10 for the permanent tower.

Robert Jones, 626 East Avenue: I saw a lot of notice on this issue. In my observations it should not have been a surprise. I asked a number of questions a number of months ago.

Gina Davis, Western Avenue: Please think about this major decision. I am being impacted directly and I have yet to rebuild. I will be looking at this tower because I back up to the Recycle Center. I was displaced after Sandy and I am still fighting to get back. It is a shame that we even have to have a tower in Bay Head. It was on the water tower so why not leave it in the center of town at the Firehouse. There is plenty of space there – why do you have to move it?

Ms. Cipriani: It was discussed and the advisor committee did look at a number of locations. The Fire Company is not interested in having a permanent tower. There are also people who feel strongly about that area of town and that it is not a desirable site.

Councilmember Gates: This process was not taken lightly. Every single parcel in town was looked at. Recycle was the preferable site and chosen by all 20 on the task force. It was looked at very carefully.

Ms. Davis: We are being impacted directly. I am asking for an extension of time.

Ms. Malone: Was Holly Park looked at?

Ms. Cipriani: I believe that site was in the report.

Mr. McGoey: Holly Park was included in the report. It is listed as Centennial Park East not as Holly Park.

Ms. Malone: The 150' tower – why will it have four rows?

Mr. O'Scanlon: Three are ready to go up, with room for an additional one.

Ms. Malone: Couldn't they work with the town and make it shorter?

Mr. O'Scanlon: AT&T - to maintain their coverage at 120' (water tower) they will need to be at 150' at the new site. The height is driven by the number of carriers.

Ms. Malone: Is 1st Net going on the tower?

Ms. O'Scanlon: I assume so – Mobile Data is Verizon.

Ms. Malone: Will there be 5G at the bottom? Will Dish be on it?

Mr. O'Scanlon: The goal is to accommodate all carriers.

Ms. Malone: 1st Net is in Wall Township and Lakewood. All 1st responders are on than ban.

Mr. O'Scanlon: Moving as far as we are moving we will need both macro tower and 5G.

Joe Deamicis, 1614 Bay Avenue: I know there has been an exhaustive study. I would ask for the largest wiggle room from the tenant as to height.

Mr. O'Scanlon: We have looked at the data and talked to our own experts. Based on the distance we are moving from 120' it is not surprising at all – there is no maximum you can build as high as you get approved.

Mr. Deamicis: Could you publish the study on the website? You have 90 people upset and are asking to look at it.

Mr. McGoey: As you know we do have the proclamation maps looking at the 120' and 150' tower. That was part of the report which was sent to the town. The committee did look at that to make sure we had coverage in all of the town.

Mr. Parlow: It will be posted by tomorrow.

Joe Mantineo, 195 Cranberry Avenue: With the location going to be over at the Recycle Center – will there be a tax abatement for us?

Ms. Cipriani: There is not a mechanism to provide that. Every individual can file a tax appeal.

Jim Duffy, 419 Holly Avenue: It is my understanding moving the tower to the NE corner is the best place. 55 people live close to that site vs 15 if it stays at the Fire Company property. I am between both. So the move will impact more people. I don't understand that.

Mr. O'Scanlon: Quantitated assessment – qualitative assessment. Not advocate either way. The committee decision was logistical to me. At the recycle center it will have to be 30' taller. It can be disguised as a tree. They looked at all things and chose this location – which was very reasonable.

Mr. McGoey: If you spend a little time looking at the report you will see that we did count people living and going to an area. We looked at different impacts using 11 criteria. The study will give a fuller picture and it is posted on the website.

Mr. Duffy: This location being approved is close to residents and the diesel will be loud, polluting and smell.

Mr. McGoey: Mr. O'Scanlon talked about that. Diesel is not the choice. The generator will only run when power is lost. We want a natural gas generator and see no reason they can't provide natural gas.

Ms. Cipriani: The lease speaks only of natural gas and makes no reference to diesel.

Mr. Berko: To call the tower a tree is ridiculous. Why do we need 150' tower when this location is ½ closer to the one in Point Pleasant Beach and Point Pleasant Borough? This location will have four carriers one at 150' one at 140', one at 130' and one at 120'.

Mr. McGoey: They need 150' so the lowest will be at 120' which is needed in order to reach the southern part of town. The tower on Mantoloking Road provides service to the southern part of town combined with the other towers.

Mr. Berko: You the council represent Bay Head. The carriers have their problems but it seems this benefits the carriers more than it will benefit us.

Shannon Curtis, 1500 Bay Avenue: I have been a taxpayer for over 21 years. This has been discussed for 18 months. This isn't a one off. I take offense to the anonymous notes in our mail boxes. I am very grateful to Mr. McGoey and the committee not everyone who lives on Bay Avenue is against this location.

Ms. Malone: The address is still wrong on the Ordinance.

Mr. Durham: I would like to point out that the system designed and proposed will serve our summer population as well as the 900 year round residents.

Mr. McGoey: Council vote is very important to provide permanent cell service to the residents of Bay Head. Is delaying in the best interest of the residents of Bay Head? We have spent an awful lot of time on this issue. The Task Force was formed in November and we had many meetings and evaluated 20 different sites. A thorough evaluation was done on all sites. All member of the committee were unanimous in our decision.

Mayor Curtis: We appreciate all your comments. The public discussion on the ordinance was closed.

Mayor Curtis called for vote on Ordinance 2021-10. 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 Unfinished Business, there was none.

Mayor Curtis called for New Business, there was none.

Mayor Curtis opened the meeting to the public.

Peter Doane, 325 Lake Avenue: I brought this up last year – the dock at Karge Street is not wheelchair accessible. It needs a curb cut.

Councilmember Cornell: That can be done under CDBG. I will reach out to our engineer and get that location on the list.

Ms. Malone: Is the transcript of meetings done by a person or computer?

Mr. Parlow: The Go to Meeting transcript is done by computer.

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.

Councilmember Lyons offered the following Resolution to go into Executive Session.

RESOLUTION OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF NEW JERSEY EXCLUDING THE GENERAL PUBLIC FROM A
MEETING PURSUANT TO THE OPEN PUBLIC MEETINGS ACT

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 discussion of an actions upon the hereinafter specified subject matter.
2. The following subject involve:
Litigation concerning New Jersey Transit and Burke/Brennan
3. It is anticipated at this time the above stated subject matter will be made public in 90 days.
4. This Resolution shall become effective immediately.

The motion was seconded by Councilmember MacPherson and passed on roll call vote: YEAS: Gates, Cornell, Barnes, Shaning, MacPherson. NAYS: None.

The time for the public to rejoin the meeting was discussed, deciding to have the public rejoin at 10:15 pm.

The Governing Body went into Executive Session at 9:50 pm. At 10:15 pm they came out of Executive Session and resumed the meeting.

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