

July 12, 2021

The regular meeting of the Mayor and Council of the Borough of Bay Head was conducted on July 12, 2021 at 7:00 pm.

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, Frank Pannucci and Borough Attorney, Jean Cipriani.

Councilmember Lyons moved to approve the regular and executive minutes of June 7, 2021. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, MacPherson, Shaning, Lyons. NAYS: None.

Mayor Curtis called for Committee Reports.

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

Councilmember Cornell, Public Works, read the Public Works Report for the month of June. A copy is attached to these minutes. Last month I reported a review was taking place of our sanitary sewer system and we are waiting a report from our engineer as to what we will do next on that. The repaving on Club Drive is complete but we have standing water at the corner of Grove and Club. They will be returning to fix that. We are also working on flood mitigation issues. Rick McGoey is taking a survey of the town as to where and when flooding occurs. We will keep you posted.

The Environmental Commission will be back to in person meetings with the first meeting being tomorrow at 5:30 pm. The public is always welcome.

Councilmember Barnes, Legal and Planning: We continue to work on the sign and noise ordinance and hope to have both ironed out by the end of the year. 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 June. A copy of the report is attached to these minutes.

Councilmember MacPherson, Parks, Grounds and Recreation: We have had a busy summer so far. There are many activities with Bay Head Life and Mayor's Wellness so check the website.

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, church services, Mayor's Cup race, Mayor's walk and talk, sunset paddle and beach walkers every Monday to name a few.

The Bay Head Fire Company will hold their annual Clambake on Saturday, August 21st.

We also have a speaker series scheduled, the first will be on August 3, 7 pm, Better Brain Better Life, in Council Meeting Room. Sign up on the website.

Tom Charlton has revised the town map and it is on the stand by the clock.

4th of July Bike Parade was a huge success and the recreation program is at full capacity.

I walked Main Avenue with the Department of Transportation noting the trees to be replaced this fall. We will need residents help on Main Avenue when this happens.

Mayor Curtis: This week the Walk will be Wednesday and start at 9 am from the clock. We will be visiting Public Works, Library and Recycle Center. Come and join us at the clock or meet us at Public Works.

Councilmember Lyons, Finance and Technology: I don't have a report on Technology.

Finance: We are half way through the year and right on target with our budget. I don't see any surprises.

Mayor Curtis: I would like to introduce Frank Pannucci, Jr. our new Borough Administrator. We will be adopting a Resolution tonight which will allow us to enter into a Share Services Agreement with Point Pleasant Borough for administrator services.

Mr. Pannucci: This is an amazing opportunity. A shared service means both municipalities are ultimately saving money by sharing the position and gaining knowledge and opportunities through cooperation. I am professionally lucky to work with these two towns. It is nice to be part of the team that works so hard for you.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Application for Raffles License from Point Pleasant Beach Rotary Club 5657 for a Calendar Raffle. There will be one winner each day from October 1, to December 31, 2021. The drawing will be held at Manasquan Bank between 5 and 6 pm each day.

Application for Raffles License from the Women's Guild of All Saints Church for an On-Premise Gift Raffle. The drawing is to be held on August 29, 2021 at 10:00 am at All Saints Church, 500

Lake Avenue, Bay Head.

Request from Karla Partilla, 143 Park Avenue to close Park Avenue between West Lake Avenue and Holly Avenue on Saturday, August 7 from 5 to 10 pm for a Neighborhood Block Party.

Request from Bay Head Home and School Association for their Annual Shark Run to be held on Saturday, October 2, 2021.

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 2021-107

Providing for the Insertion of a Special Item of Revenue in the Budget of the Borough of Bay Head Pursuant to N.J.S.A. 40A:4-87 (Chapter 159) for Recycling Tonnage Grant - \$2,769.27

Resolution 2021-108

Providing for the Insertion of a Special Item of Revenue in the Budget of the Borough of Bay Head Pursuant to N.J.S.A. 40:4-87 (Chapter 159) for Alcohol Education and Rehabilitation Fund - \$1,817.59

Resolution 2021-109

Providing for the Insertion of a Special Item of Revenue in the Budget of the Borough of Bay Head Pursuant to N.J.S.A. 40A:4-87 (Chapter 159) for Clean Communities Program - \$5,209.11

Resolution 2021-110

Authorizing the Acceptance of State Funds and the Borough's Participation in the State Body-Worn Camera Grant Program, Administrated by the State of New Jersey, Department of Law & Public Safety

Resolution 2021-111

Providing for the Insertion of a Special Item of Revenue in the Budget of the Borough of Bay Head Pursuant to N.J.S.A. 40A:4-87 (Chapter 159) for Body-Worn Camera Grant - \$28,532.00

Resolution 2021-112

Authorizing Payment to Employees for Hours of Accrued Compensatory Time from the Budgetary Provision Approved as Police Salary and Wages Ptl. Printz - \$1,083.20

Resolution 2021-113

Authorizing Payment to Christopher Parlow for Unused Vacation Time

Resolution 2021-114
Cancel General Capital Improvement Authorizations

Resolution 2021-115
Extending the Grace Period for Payment of Third Quarter Property Taxes

Resolution 2021-116
Authorizing Acceptance and Execution of a Shared Services Agreement with the Borough of Point Pleasant for the Purpose of Sharing Borough Administrative Services

Resolution 2021-117
Authorizing Payment to Employees for Hours of Accrued Compensatory Time from the Budgetary Provision Approved as Public Works Salary and Wages – Adam Curtis - \$2,688.00

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.

Rick McGoey, 50 Harris Street: Could you explain the Capitol Improvement Resolution.

Councilmember Lyons: Resolution 2021-144 is to cancel items in the Capitol Budget no longer needed. It is only to clean up the Capitol Budget.

There being no further questions or comments Mayor Curtis closed the Public discussion.

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 2021-11 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 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 called for Ordinance, First Reading.

Ms. Applegate read Ordinance 2021-12 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, NEW JERSEY, AMENDING BOND ORDINANCE 2011-03 ADOPTED MAY 2, 2011 IN ORDER TO REVISE THE DESCRIPTION REFERRED TO IN SECTION 3a(2)

Councilmember Lyons moved this ordinance on first reading, which motion was seconded by Councilmembers 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 August 2, 2021.

Mrs. Applegate Ordinance 2021-13 by title:

BOND ORDINANC PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$121,000 THEREFOR AND AUTHORIZIG THE ISSUANCE OF \$114,950 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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 August 2, 2021.

Mrs. Applegate read Ordinance 2021-14 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NW EJRSEY, AMENDING AND SUPPLEMENTING ORDINANCE 2021-09

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 August 2, 2021.

Mrs. Applegate read Ordinance 2021-15 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 41 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD ENTITLED "OFFICERS AND EMPLOYEES"

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 August 2, 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.

Joanne Pehlivanian, 332 Western Avenue: Can you tell us what is happening with the permanent cell tower. Is Mr. O'Scanlon involved? Is it at a standstill? This site will affect 50 residential properties vs. the temporary site at the Fire Dept. which only affects 15. I would like to know what is happening.

Ms. Cipriani: As you are well aware the 2nd reading on Ordinance 2021-10 passed. There two things that will happen. First, there will be another opportunity for the public to participate in the discussion of the permanent cell tower. They will appear before the Planning Board for a cursory review. You will be allowed to ask questions at that time. But please understand this is not a site plan review but only a cursory review. Notice will be provided and it can also be placed on the Borough website. Secondly, the terms have to be approved by the Governing Body but authorization (adoption of Ordinance 2021-10) has been given. I did receive notification from an attorney acting on behalf of residents concerning the permanent cell tower.

Ms. Pehlivanian: They will go before the Bay Head Planning Board?

Ms. Cipriani: Yes as a cursory review. No action will be taken by the Planning Board – it can't be denied by the board.

Ms. Pehlivanian: Will the Planning Board be involved?

Ms. Cipriani: I can't answer that – you will have to ask your attorney.

Ms. Pehlivanian: The permanent site at the Recycle Center was approved by the Governing Body, is there a possibility that it could change?

Ms. Cipriani: Towns take action by either Resolutions or Ordinances. Ordinances normally are required to change the Borough Code or for Bonding. This kind of ordinance adopted to lease public land is a contract. To rescind this ordinance would be a breach of that contract. The carriers are spending money as we speak. The cell tower needs to be there to insure coverage of cell phones.

Gina Davis, 380 Western Avenue: Did you lease the property? Is it signed, so it can't be cancelled?

Ms. Cipriani: That is kind of what I said. The lease has been authorized but it has not been signed. The terms of the lease are under review. This is literally the 19th meeting where the cell tower has been discussed.

Ms. Davis: Is the lease done and sealed?

Ms. Cipriani: The lease has not been signed but the Governing Body has authorized it.

Carolyn Kaschak, 229 Evergreen Drive: You stated there will be a cursory review by the Bay Head Planning Board and that notice would be posted on the website and other wise. What notice will be given?

Ms. Cipriani: The Planning Board requires notification to properties within 200 feet. We will also do what we can to get the word out. The notification is limited by Municipal Land Use Law.

Jim Duffy, 419 Holly Avenue: I live at the corner of Holly and Willow. I have overlooked this for 35 years but when I bar b que I look at trash cans. I ask you to look into that – who is in charge? I have put up with this for 35 years – looking at trash and flies. I only ask that it be put behind the fence.

Councilmember Gates: Your discussion with Holly was brought to my attention. It is under discussion and we are aware of it. Our Code Enforcement Officer placed warning on the cans out of line. We are working to resolve your issue.

Rick McGoey, 50 Harris Street: Welcome to our new Borough Administrator. I understand we will be sharing with Point Pleasant Borough but how frequently will he be in Bay Head?

Mayor Curtis: He will be here as much as the former Borough Administrator.

Mr. Pannucci: You will be paying Point Pleasant Borough for a part-time administrator but will be getting full time service.

Mayor Curtis: We expect this to work out. There will be a review in October. This Shared Service Agreement is for a six-month period. We are very hopeful it will work.

Mr. McGoey: Wasn't Chris full time?

Councilmember Lyons: No, Chris was part-time. We are hopeful that what sees in Point Pleasant he can bring here from both a cost and professional perspective.

Ms. Davis: I will be affected by the cell tower as well as 50 other homes. I am not crazy about the idea so I am hoping it will not go through. I would like you to extend the notice beyond the required 200 feet notification. Give us a chance to be as involved as possible. Have you looked at the proposed tree tower?

Ms. Cipriani: It is important that you are not mislead. Notice that is sent out can only be as required by Municipal Land Use Law. As far as the town expanding to include more residents then the notice would have to be town wide. I also want you to know the lease has been authorized. If there are issues on the site, the Governing Body will address those. All action has been taken.

Ms. Davis: I am against the tower – I can only speak out and that is why I am here. I hope it doesn't go through.

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.

Mayor Curtis: I would like to thank you for coming out. It is good to be back live and in person.

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