

September 13, 2021

The regular meeting of the Mayor and Council of the Borough of Bay Head was conducted on September 13, 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 Attorney, Jean Cipriani.

Councilmember Lyons moved to approve the regular minutes of August 16, 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 called for Committee Reports.

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

Councilmember Cornell, Public Works, read the Public Works Report for the month of August. A copy is attached to these minutes.

At the Public Works meeting we discussed the ongoing issues with our HVAC system. It is taking longer than we thought but we have made headway. Our new engineers are doing a really good job with trying to fix it.

We are trying to regrade the area at Grove and Club to provide better drainage. We are also working on our sewer lines.

We have been notified that our CDBG Grant has been approved.

We had a preconstruction meeting with Mantoloking concerning the project they have taken the lead on to address drainage issues on Clayton Ave.

We are working on the Sally Port.

We are moving forward with Princeton Hydro for the development of a Lake/Watershed Management Plan for Twilight Lake.

Councilmember Barnes, Legal and Planning: We had a quiet month so I have no report.

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

Councilmember MacPherson, Parks, Grounds and Recreation: We had a fantastic summer, the town was hopping. Bay Head Life will continue with the Beach Walks on Monday mornings 7 am at Bridge Avenue.

The Shark Run will be held on October 2nd as well as the Town Wide Garage Sale. The last Sunset Paddle will be Sunday, October 3rd.

The Bay Head Business Association will be sponsoring their Annual Halloween Parade on October 31st.

If you want to purchase a tree from Point Pleasant Beach Shade Tree Commission, please visit our website. The prices and sizes will be listed. Please note the deadline to do so is September 22nd.

We want to thank you for keeping Bay Head clean and remember to pick up after your pet.

Councilmember Lyons, Finance and Technology, had no report.

Mayor Curtis: Frank Pannucci our Borough Administrator, that we share with Point Pleasant is attending their Council meeting tonight.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from Bay Head Business Association for the following:

1. Annual Halloween Parade, Sunday, October 31st starting at the Corner of Lake and Mount ending at the Bay Head Firehouse
2. Annual Christmas Walk, Friday, December 3rd at 5 pm
3. 2022 Art in the Park ... and Beyond, Sunday, June 26th

Request from Point Pleasant Beach High School PTO to hold their Annual Fall Town Wide Garage Sale on Saturday, October 2nd from 9 am to 2 pm with rain date Sunday, October 3rd

Request from Eric Beyer for permission to hold their Old School Surfboard Display in front of the Beach House, 517 Main Avenue on Sunday, October 17th from 8 am to 5 pm with back up date Sunday October 24th

Request from Jersey Shore Running Club for permission to have participants in the Jersey Shore relay to benefit Special Olympics on Sunday, April 2, 2022 run through Bay Head

Request from Quaker Marine Supply, 89 Bridge Avenue to have a Tent Sale on October 8th thru October 10th in the parking space to the left of the store

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 2021-129

Authorizing the Participation in the New Jersey Coastal Coalition (NJCC)

Resolution 2021-130

Authorizing the Execution of a Subrecipient Agreement with the Board of Commissioners of the County of Ocean in connection with the Community Development Block Grant to be used for Handicapped Accessibility Improvements – Various Locations

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 being no 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 Unfinished Business, there was none.

Mayor Curtis called for New Business.

Councilmember Cornell: Tomorrow evening at 5:30 pm the Environmental Commission meeting will be held in the Conference Room. Please come out and attend.

Councilmember Lyons: I spoke with Jean about a drone that was flying over my home. She stated they were covered by the FAA. I spoke with my neighbors and they are also concerned about our rights to privacy. Are they looking in our windows, what are they looking for? Can we govern the use of drones in Bay Head and respect the homeowners right to privacy?

Ms. Cipriani: Yes, but not from the FAA rules and regulations. I just sent you a sample ordinance.

Councilmember Lyons: I will defer to Jen and the Legal Committee. Can we ask them to notify police when they are in town?

Ms. Cipriani: No.

Chief Hoffman: We did have a call today – my questions is how do you enforce ?

Ms. Cipriani: That is the reason we can't have that requirement. They have the right to fly drones in Bay Head. They are engaged in legal activity. What you are trying to control is from them looking into backyards and into homes. It is very tricky but we can do something.

Mayor Curtis: Maybe if we just advertise that we have an ordinance it will make them think.

Mayor Curtis opened the meeting to the public.

Paul Brennan, 157 Osborne Avenue: I fly a drone and am also hold a FAA Pilot License. Any attempt to govern a drone is like restricting beach use. The FAA allows you to fly a drone from surface to 400 feet. The only restriction would be that they can't land on town property.

Ms. Cipriani: A few years ago I had a contact at FAA. I understand it can be challenged.

Mr. Brennan: You are restricted on flying a drone over people.

Ms. Cipriani: You are correct.

Councilmember Lyons: My concern is that they could fall and hurt someone.

Councilmember Cornell: Do you have to be licensed to fly a drone?

Mr. Brennan: Not if it is a type that is considered a recreational vehicle. I have a license. If the drone is over a certain weight it requires a license.

Tom Kaelin, 191 Osborne Avenue: I sent a message to you requesting even with the meetings open to the public there still be a way to call in using Go to Meeting or some other format. The hybrid meetings were the only good that came from the pandemic. This will allow us to stay in touch when we aren't here through the winter months. Also the agenda of this meeting wasn't posted to the website.

Councilmember Lyons: I am not sure why the agenda was not posted. As to the hybrid meetings we are looking into it. We understand where you are coming from. We are trying to have a way you can watch. To have the back and forth is very expensive. We heard this at our last meeting and are working on it.

Mr. Kelin: In New York you can listen but not ask questions.

Mr. Brennan: The reason I came to the meeting was because the agenda was not posted to the website. I did get a Draft Agenda last week from Ms. Applegate but I wasn't sure if there were any additions to it. I agree with the meetings being on line. In the interest of transparency, they should be dual. Why not use Go to Meetings that was used when there were no in person meetings?

Councilmember Lyons: It would be extremely awkward for each of us to respond. Also, if there is more than one computer or laptop being used in the room there is feedback interference. We need to invest in a very robust system to solve these issues. It is not an easy fix but we are working on it.

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.

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