

**BOROUGH OF BAY HEAD**  
**NOVEMBER 7, 2022**  
**COUNCIL MEETING MINUTES**

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on November 7, 2022, 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 4, 2022 and was published in *The Ocean Star* and the *Asbury Park Press* on January 7, 2022.

The roll was called for attendance. Present were Mayor Curtis, Council Members Lyons, Gates, Shaning, MacPherson and Cornell, Absent Barnes. Also in attendance was Borough Administrator Frank Pannucci, Borough Attorney Jean Cipriani, and Deputy Borough Clerk Antoinette Jones.

Mayor Curtis read the following Proclamations:

1. November 22 as National Family Caregiver Month

Council President Lyons made a motion to approve the October 3, 2022, Regular and Executive Minutes, seconded by Council Member Gates and passed on roll call: YEAS: Lyons, Gates, Shaning, MacPherson, Cornell, NAYS: None; ABSENT: Barnes.

Mayor Curtis called for Committee Reports.

Council Member Gates gave the Public Services Committee Report. He introduced Darren Erbe, Code Enforcement Officer and Technical Assistant to the Construction Official who gave a detailed demonstration of the Spatial Data Logic (SDL) system. He explained the benefits for residents to gain access to permits filed on properties in town, which in the long run will cut down on unnecessary OPRA requests. Darren also stated the Borough website is going to be updated and revised in the near future. Council Member Gates then summarized the reports from the Zoning Officer.

Council Member Cornell gave the Public Works Committee Report. She stated tomorrow the Environmental Commission will be having a meeting at Borough Hall in the second-floor conference room at 6:30 PM. Princeton Hydro will be doing a presentation on the testing they did over the summer at Twilight Lake. There are a couple of Resolutions on the agenda tonight that she would like to explain. On Lake Avenue we will be repaving Lake Avenue North and Lake Avenue South. We had to file for an extension because New Jersey American Water is putting in the water main on Lake Avenue so we really cannot start our work until they are done with their work, so we've been pushed back. We do have a tentative schedule for them, they were supposed to start today but that didn't happen because we need to pass another resolution allowing them to excavate part of the roadway down by Lake Avenue that we just had repaved, and we were very upset because we asked them originally not to pave all the way down and to stop at Clayton. So, we made an agreement with them that they will repave the road from curb to curb. In the next week or so you are going to see them start work, they are going to start on the Twilight end, and work their way south. Please make sure if you live on Lake Avenue that your cars are not parked on the street if they are working near your home.

Council Member Barnes was not in attendance to give a Legal & Planning report.

Council Member Shaning gave the Public Safety Committee Report. He gave the report from Fire Chief Glen Brown. In the month of September there were 25 total calls. The fire company had several drills, one was a live burn drill at the Brick fire training center. Council Member Shaning read Police Chief Hoffman's monthly report which included 11 assists to other departments; 1 arrest for driving while suspended; 2 arrests for driving while intoxicated and 2 reports of fraud leading to 2 arrests for fraudulent activity. On October 6<sup>th</sup> at 8:00 AM the police were notified of fraudulent activity involving a purchasing account for the Bay Head School. The issue came about when a school board member noticed a suspicious invoice, she received the day before. The invoice was for the purchase of 20 Apple MacBook Pro laptops along with 20 warranties totaling \$32,962. With that information the Bay Head Police opened an investigation of the incident and

with the cooperation and the assistance of the Point Pleasant Borough Police Department they determined the suspects behind the scam arranged to have the computers delivered to Advance Auto Parts on Route 88 in Point Pleasant Borough, which was the drop off site for UPS. With this information the police picked up the laptops before the pick up was supposed to happen. Having a predetermined pick-up time, police units from Bay Head and Point Borough were in that area awaiting the arrival of the suspects. At approximately 7:55 AM one of the suspects arrived at Advance Auto Parts. He had all the pertinent information regarding the delivery and at that time he was placed under arrest. After he was charged, he was transported to the Ocean County Jail and is pending a future court date. His accomplice was also charged, and she was taken into custody, processed, and released on a summons pending a future court date.

Council Member MacPherson gave the Parks, Grounds and Recreation Committee report. She stated there are only two months left in the year, but we have a big holiday season coming up. Bay Head Beautification Committee is planning how they are going to decorate the Borough for the holidays. Also, stated that we have a great opportunity to have memory benches all through town for an individual or family. A pamphlet was mailed to the residents and are available at Boro Hall if anyone is interested. The Bay Head Association Annual Christmas Walk is scheduled for Friday, December 2 and the Mayor's Wellness Campaign is trying to come up with a day to go caroling. We are also getting ready for 2023.

Council President Lyons gave the Finance and Technology report. He said there was no technology report this evening since Darren did a splendid job. The months of November and December are when budget transfers are allowed, and we will be taking money from accounts that have a surplus to accounts that are low.

Mr. Pannucci, Borough Administrator stated Darren Erbe and the Construction Department are doing an excellent job with the new SDL system.

Ms. Cipriani, Esq., did not have a report this evening.

Mayor Curtis called for Clerk's Correspondence.

Ms. Jones read the Clerk's Correspondence on Consent Agenda, Resolution No. 2022-124:

1. Bay Head 5k Memory Run – Saturday, May 20, 2023, starting at 8:30 AM.

Council President Lyons made a motion to approve, Seconded by Council Member Gates and passed on roll call: YEAS: Lyons, Gates, Shaning, MacPherson; Cornell; NAYS: None; ABSENT: Barnes.

Mayor Curtis asked if there were any questions from the public concerning the Consent Agenda. There were none.

Mayor Curtis called for Resolutions of which each one on the agenda was read out loud by number and title by Ms. Jones:

1. Resolution No. 2022-125  
Requesting an Extension for the Reconstruction of Lake Avenue (NJDOT Municipal Aid 2019)
2. Resolution No. 2022-126  
Requesting an Extension for the Reconstruction of Lake Avenue and Maple Avenue Improvement Projects (NJDOT Municipal Aid 2021)
3. Resolution No. 2022-127  
Authorizing the Execution of a Shared Services Agreement with the County of Ocean for Drug Recognition Expert Callout Program
4. Resolution No. 2022-128  
Authorizing the Execution of a Shared Services Agreement with the County of Ocean for Driving While Intoxicated Enforcement Program
5. Resolution No. 2022-129  
Authorizing the Execution of a Shared Services Agreement with the County of Ocean for "Move Over" Law Enforcement Program
6. Resolution No. 2022-130

Appointing Jared Wigert as Class II Special Law Enforcement Officer

7. Resolution No. 2022-131  
Providing for the Insertion of a Special Item of Revenue in the Budget –  
Chapter 159 – Clean Communities
8. Resolution No. 2022-132  
Providing for the Insertion of a Special Item of Revenue in the Budget –  
Chapter 159 – Alcohol Education and Rehabilitation Fund
9. Resolution No. 2022-133  
Providing for the Insertion of a Special Item of Revenue in the Budget –  
Chapter 159 – Recycling Tonnage Grant
10. Resolution No. 2022-134  
Transfer Resolution
11. Resolution No. 2022-135  
Authorizing Excavation of a Roadway Paved Less than Five Years Prior to the  
Date of  
Application
12. Resolution No. 2022-136  
Cancelling Sewer Billing
13. Resolution No. 2022-137  
Appointing Andrew Rempfer as the Community Rating System (CRS)  
Coordinator
14. Resolution No. 2022-138  
Adjusting the Amount for Zoning Officer Services
15. Resolution No. 2022-139  
Confirming Kenneth C. Seals Appointment to Bay Head Fire Co. No. 1
16. Resolution No. 2022-140  
Authorizing the Surplus Sale of a Boat and Trailer No Longer in Use by the  
Bay Head Fire Department
17. Resolution No. 2022-141  
Authorizing Adjusting the Salary of Darren Erbe

Council President Lyons made a motion to approve, Seconded by Council Member Gates and passed on roll call: YEAS: Lyons, Gates, Shaning, MacPherson; Cornell; NAYS: None; ABSENT: Barnes.

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

Tom Kaelin, 191 Osborne Avenue, asked for a more detailed explanation on Resolutions Nos. 134, 135 and 136.

Council Member Cornell answered his question regarding Resolution No. 135. She stated that is what she referred to earlier in her Committee Report regarding the necessity of the Resolution to open the road on Lake Avenue for paving.

Mr. Pannucci explained Resolution No. 136, which is just cancelling a sewer overpayment and Resolution No. 134 is every November and December by law municipalities can move funds around to cover other areas that are short.

Seeing no other hands, Mayor Curtis asked for a motion to close the public portion on Resolutions.

Council President Lyons made a motion to close public portion. Seconded by Council Member Gates and passed on roll call: YEAS: Lyons, Gates, Shaning, MacPherson; Cornell; NAYS: None; ABSENT: Barnes.

Mayor Curtis called for the Ordinances, Second Reading, Public Hearing and Vote.

Ms. Jones read Ordinance No. 2022-12 by title:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 101 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "CERTIFICATES OF OCCUPANCY"

Ms. Cipriani, Esq., stated all this ordinance does is change the definition for short term rentals. It also slightly raises the fee for rental inspections from \$100 to \$150.

Council President Lyons moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Council Member Gates.

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

There were no questions from the public.

The motion passed on roll call vote: YEAS: Lyons, Gates, Shaning, MacPherson; Cornell NAYS: None ABSENT: Barnes.

Ms. Jones read Ordinance No. 2022-13 by title:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 104 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD ENTITLED "CONSTRUCTION CODES, UNIFORM"

Ms. Cipriani, Esq., stated this ordinance adds a fee for active solar systems which we did not have previously and adjusts a variety of other fees for inspections, demolition permits, etc., to be more in accordance with our neighbors.

Council President Lyons moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Council Member Gates.

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

There were no questions from the public.

The motion passed on roll call vote: YEAS: Lyons, Gates, Shaning, MacPherson; Cornell NAYS: None ABSENT: Barnes.

Mayor Curtis called for Ordinances, First Reading.

Ms. Jones read Ordinance No. 2022-14 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 147 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "LAND USE"

Ms. Cipriani, Esq., stated we are adding a provision for dumpsters and temporary storage containers for up to seven days. We are also updating zoning fees.

Council President Lyons moved this ordinance on first reading, which motion was seconded by Council Member Gates.

The motion passed on roll call vote: YEAS: Lyons, Gates, Cornell, Shaning, MacPherson. NAYS: None. ABSENT: Barnes. This ordinance is scheduled for second reading and public hearing on December 5, 2022.

Ms. Jones read Ordinance No. 2022-15 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 104 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, ENTITLED "CONSTRUCTION CODES, UNIFORM"

Ms. Cipriani, Esq., stated it takes the minimum basic construction fee from \$75 to \$80 and more importantly sets a fee for lead base paint inspections which is \$50. This is in response to the new State law that's been put into place in the last year. Council President Lyons asked if there was an age of home that this is required? Ms. Cipriani, Esq., respond this applies to homes constructed prior to 1978.

Council President Lyons moved this ordinance on first reading, which motion was seconded by Council Member Gates.

The motion passed on roll call vote: YEAS: Lyons, Gates, Cornell, Shaning, MacPherson. NAYS: None. ABSENT: Barnes. This ordinance is scheduled for second reading and public hearing on December 5, 2022.

Ms. Jones Ordinance No. 2022-16 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 222-21, ENTITLED "SCHEDULE III: PARKING TIME LIMITED ON CERTAIN STREETS"

Council Member Shaning explained that two meetings ago we had some residents of Egbert Street by the beach street end, discussing the number of kids hanging out in the evening and there was discussion on changing the parking times to 6:00 AM – 8:00 PM. Especially because our neighbors in Point Pleasant Beach closes their beaches at 7:00 PM and then we very often get their overflow.

Council President Lyons moved this ordinance on first reading, which motion was seconded by Council Member Gates.

The motion passed on roll call vote: YEAS: Lyons, Gates, Cornell, Shaning, MacPherson. NAYS: None. ABSENT: Barnes. This ordinance is scheduled for second reading and public hearing on December 5, 2022.

Mayor Curtis asked Council if they had any Unfinished Business.

There was none.

Mayor Curtis asked Council if they had any New Business.

There was none.

Mayor Curtis opened the meeting to the public.

Police Chief Hoffman stated he had a public safety issue to talk about and asked if Jay Applegate could explain the recent uptake in the bird flu. Mayor Curtis agreed.

Jeff Applegate, Medical Director of Nautilus Avian and Exotic Vets; stated Avian bird flu is back in New Jersey again. This season is much worse than in previous years and the strain that is coming through is more deadly to aquatic birds. There have already been a few geese picked up in Bay Head. Please call the police if you see this so these animals can be tested. While rare this flu can be spread to other species.

Tom Kaelin, 191 Osborn Avenue, stated the minutes for May, June, August, and September have not been published on the website. He asked if the minutes could be made available on the website quicker. He also said the sewer grates on Osborn Avenue are not being cleaned and they are full of leaves.

Council Member Cornell stated this is a county road. Mr. Pannucci stated he would make a call to County to see if they could come clean them.

Rick McGoey, Street? He asked if Ordinance 2022-14 would be sent to the Planning Board before the second reading.

Ms. Cipriani, Esq., stated yes if we want to adopt this ordinance before the end of the year.

Seeing no other hands, Mayor Curtis closed public portion.

Council President Lyons made a motion to approve the vouchers for payment, seconded by Council Member Gates and passed on roll call: YEAS: Lyons, Gates, Shaning, MacPherson; Cornell NAYS: None ABSENT: Barnes.

Mayor Curtis stated the Council was going to go into Executive Session to discuss Personnel, Contractual and Possible Litigation.

Council President Lyons made a motion to go into Execution 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.

Ms. Cipriani, Esq., read the following statement.

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 any actions upon the hereinafter specified subject matter.
2. The following subjects involve:  
Personnel, Contractual, Possible Litigation
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 Council Member Gates and passed on roll call: YEAS: Lyons, Gates, Shaning, MacPherson; Cornell NAYS: None ABSENT: Barnes.

Council returned from Executive Session at 8:09 PM.

Mr. Pannucci read the following Resolution that was discussed in Executive Session:

- Resolution No. 2022-141  
Authorizing Adjusting the Salary of Darren Erbe

Council President Lyons made a motion to approve, Seconded by Council Member Gates and passed on roll call: YEAS: Lyons, Gates, Shaning, MacPherson; Cornell; NAYS: None; ABSENT: Barnes.

There being no further business, Council President Lyons made a motion to adjourn the meeting, seconded by Council Member Gates and passed on roll call: YEAS: Lyons, Gates, Shaning, MacPherson; Cornell NAYS: None ABSENT: Barnes.

Meeting was adjourned.

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Antoinette Jones, Deputy Borough Clerk

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William W. Curtis, Mayor