

**BOROUGH OF BAY HEAD**  
**SEPTEMBER 19, 2022**  
**COUNCIL MEETING MINUTES**

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on September 19, 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 Gates, Barnes, Shaning, MacPherson, Cornell with Council President Lyons absent. Also in attendance was Borough Administrator Frank Pannucci, Borough Attorney Jean Cipriani and Deputy Borough Clerk Antoinette Jones.

Mayor Curtis announced an addition to tonight's agenda. Comcast Cable Area Renewal Presentation and introduced Rob Clifton, Senior Director for Government Affairs.

Mr. Clifton stated it was time to start the renewal process for Comcast Cable in the Borough. He said their contract ended in May 2022 but not to panic the renewal process is a procedural issue. He stated tonight will be a public session to give residents a chance to discuss cable issues. Upon closing of the public hearing an ordinance will be drafted to simply let Comcast Cable continue to be in the right-of-way.

Mr. Clifton asked the Mayor, Council and the Public if they had any questions.

Borough Attorney Cipriani stated she will review the draft ordinance prepared by Comcast.

Rick McGoey, 50 Harris Street asked what are the anticipated changes?

Mr. Clifton responded: This renewal period would be for a 10-year period, as opposed to the last contract period which was for 15 years. Other than that, Comcast is always rolling out new products.

Joanne Pehlivanian, 332 Western Avenue, asked when does Comcast look at the dollar amount?

Mr. Clifton responded: Usually it is reviewed on a yearly basis.

Council Member Cornell stated we do not have Verizon Fios in Bay Head, but if they came could the Borough go with them?

Mr. Clifton responded: This is a non-exclusive agreement.

Seeing no further hands, Mayor Curtis closed the public portion.

Mayor Curtis called for Committee Reports.

Council Member Gates gave the Public Services Committee Report. He stated the Construction Department is in the process of purchasing tablets for the Construction Official and the Zoning Code Officer. This will let them input data right at the field. It will not only be used for inspections but for all phases of the Construction Department.

Council Member Gates also gave the Finance Committee Report. He stated that on tonight's agenda you will see the Governing Body Certification of the Annual Audit. He is pleased to report that the audit is taken very seriously, and the bottom line is the Borough is within the generally accepted principles of accounting and there were zero comments.

Council Member Cornell gave the Public Works Committee Report. She stated we are still waiting to hear from New Jersey American Water, there was an issue regarding trees, and they are starting to run behind. She will be meeting with the Engineers on this. She will also be meeting with CDBG regarding a grant to put sidewalks by the school.

Council Member Barnes gave the Legal & Planning Committee Report. She stated everything was good and they were in the process of updating the current Borough ordinances to make them more compliant.

Council Member Shaning gave the Public Safety Committee Report. He gave a thorough report on the Fire Department and Police Department. He also advised that a BMW was stolen on East Avenue and reminded the residents to lock their vehicles.

Council Member MacPherson gave the Parks, Grounds and Recreation Committee report. She said Bay Head Beautification Committee will have a landscaper come in to review the trees that were planted on Route 35 to see which trees need to be trimmed or replaced. She also described the work being done to spruce up the train station. She listed the following upcoming events:

- Bay Head School Shark Run at the firehouse on October 1, 2022
- Bay Head Summer Local Bonfire on October 1, 2022
- Mayor's Health and Wellness Fair on October 2, 2022

She also stated the Bay Head Life Memorial Bench Program will be starting next month and pickleball is full for September but will continue throughout the Fall.

Mayor Curtis stated Bay Head was singled out for being the first shore town to be involved with the Mayor's Health Campaign.

Mr. Pannucci explained what having a "clean" audit means with no recommendations. He stated this truly is a big deal and that this makes two straight clean audits.

Ms. Cipriani, Esq., did not have any comments this evening.

Mayor Curtis informed the residents that Patty Applegate has returned home after eight weeks in the hospital. She is feeling much improved, but the family has requested no visitors due to germs.

Council Member Barnes made a motion to approve the August 1, 2022, minutes seconded by Council Member Gates and passed on roll call: YEAS: Gates, Barnes, Shaning, MacPherson; NAYS: None; ABSTAIN: Cornell; ABSENT: Lyons.

Council Member Barnes made a motion to approve the August 15, 2022, Non-voting Resident Council Meeting minutes, seconded by Council Member Bates and passed on roll call: YEAS: Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None; ABSENT: Lyons.

Mayor Curtis called for Clerk's Correspondence.

Mr. Pannucci read the Clerk's Correspondence on Consent Agenda, Resolution No. 2022-114:

1. Annual Old School Surfboard Display for Beach House Classic Board Shop, October 2, 2022, from 8AM-5PM (rain date October 9, 2022).
2. 2022 Halloween Parade, October 29, 2022 (rain date October 30, 2022).
3. 2022 Christmas Walk, December 2, 2022.
4. Art in the Park and Beyond, Sunday, June 25, 2023.
5. Bay Head Locals Bonfire on the Beach, Saturday, October 1, 2022.

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

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

- 2022-115      Resolution Authorizing Refund of Escrow Deposits, 53 North Street  
2022-116      Resolution Authorizing Refund of Escrow Deposits, 46 Goetze Street

- 2022-117 Resolution Appointing Antoinette Jones, RMC, as part-time Deputy Municipal Clerk  
2022-118 Resolution Accepting the Resignation of Christopher Parlow as CRS Coordinator  
2022-119 Resolution of the Governing Body Certifying the Annual Audit  
2022-120 Resolution Appointing Jerry Caci as part-time Seasonal Laborer

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

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

There were none.

Mayor Curtis called for the Ordinances, Adoption.

Mr. Pannucci read Ordinance 2022-10 by title:

A BOND ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, PROVIDING AN APPROPRIATION OF \$730,000 FOR IMPROVEMENTS TO LAKE AVENUE NORTH IN AND BY THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$335,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

Council Member Barnes made a motion to approve this ordinance be adopted on second reading and final passage. Seconded by Council Member Gates and passed on roll call: YEAS: Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None; ABSENT: Lyons.

Mayor Curtis called for Ordinances, First Reading:

Mr. Pannucci read Ordinance 2022-11 by title:

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

Council Member Barnes moved this ordinance on first reading, Seconded by Council Member Gates and passed on roll call: YEAS: Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None; ABSENT: Lyons. This ordinance is scheduled for second reading and public hearing on October 3, 2022.

Mr. Pannucci 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"

Council Member Barnes moved this ordinance on first reading, Seconded by Council Member Gates and passed on roll call: YEAS: Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None; ABSENT: Lyons. This ordinance is scheduled for second reading and public hearing on October 3, 2022.

Mr. Pannucci 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"

Council Member Barnes moved this ordinance on first reading, Seconded by Council Member Gates and passed on roll call: YEAS: Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None; ABSENT: Lyons. This ordinance is scheduled for second reading and public hearing on October 3, 2022.

Mayor Curtis asked Council if they had any Unfinished Business.

Council Member Barnes responded that she has seen three foxes roaming around and urged residents to contact the Borough Animal Control Officer, Jack Neary or to call Borough Hall if you see one.

Mayor Curtis asked Council if they had any New Business.

There was none.

Mayor Curtis opened the meeting to the public.

Bob Hein, 204 East Avenue feels the cost of the beach replenishment is too high.

Mayor Curtis replied the County has agreed to pay 50% of the cost.

Peter Doane, 325 Lake Avenue stated he had three questions:

1. He asked Council if we ever had another cable company in the Borough?

Mr. Pannucci replied they asked Verizon to come to Point Pleasant Borough and they said no.

Ms. Cipriani, Esq., stated they will not come down here due to our infrastructure, plus a lot of cable companies are going to 5G.

1. When he drives down the street, he sees a lot of people walking in the street instead of using the sidewalks. He feels there are 60-70 places in town with overgrown bushes and feels the Zoning Code Enforcement Officer should be going down the streets issuing summons to anyone that hasn't trimmed their bushes.
2. Can the town raise money to fix the groves with rocks instead of the wood the Army Corp recommended.

Mayor Curtis responded they will be meeting on this.

Rick McGoey, 50 Harris Street asked if anyone was replacing Chris Parlow.

Mayor Curtis responded no not yet.

Joanne Pehlivanian, 332 Western Avenue agreed there is definitely an issue with the bushes on the sidewalks and when she tries to make a left on Bay Avenue, she has to go very far into the intersection due to shrubbery.

Seeing no further hands, Mayor Curtis closed the public comments.

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

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

Council Member Barnes 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: Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None; ABSENT: Lyons.

Council returned from Executive Session at 9:10 PM.

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

Meeting was adjourned.

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Antoinette Jones, Deputy Borough Clerk

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William W. Curtis, Mayor