

December 5, 2022

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on December 5, 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, Councilmembers Gates, Cornell, Barnes, Shaning, Lyons; Borough Attorney, Jean Cipriani and Borough Administrator, Frank Pannucci. Councilmember MacPherson was absent.

Mayor Curtis stated this was the last meeting for Councilmember Lyons. He has served the Borough for over 10 years working through Sandy and the Pandemic. He will be missed and we want to thank him for all his service.

I would also like to welcome Patty back.

Councilmember Lyons moved to approve the regular and executive minutes of November 7, 2022. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Shaning, MacPherson, Lyons. NAYS: None. NOT VOTING: Barnes.

Councilmember Cornell introduced Rick McGoey, Environmental Commission member who gave a presentation outlining the commission's plans to apply for the grant and the history of flooding in town.

Mr. McGoey: A flood sub-group of the BHEC has been working for 2 ½ years in developing a plan to mitigate flooding in Bay Head. The environmental commission has identified actions to mitigate flooding in each of the 13 locations where flooding is occurring. Major flooding occurred in October 2021 that lasted for five days and caused 27 roads to be blocked and also blocked access to the fire department, police station, U.S. post office and other important buildings. The BHEC submitted an application to FEMA last year to help with flooding mitigation, but was unsuccessful in getting the funds. For 2022, FEMA has increased to total amount of funds from \$160 million to \$800 million which should help the borough's chances of getting aid. Also, the timing couldn't be better because the BHEC just completed the Twilight Lake Watershed study, which includes information that is also very helpful for the FEMA application. We now have a design for the proposed living shoreline and tidal gate, which should help push

the application. They want you to prioritize projects close to actually mitigating. Last year all we asked for was money to do a study. This year, we are past the study point and want to design. The estimate cost for the proposed project is \$1,087,000 with 75% coming from FEMA if the application is approved. The other 25% of funds or \$271,750 is expected to come from the borough. We are asking you to pass a resolution so we can submit the application to the state on Wednesday, December 7th and then the state will then submit the application to FEMA in January. A commitment letter will also be sent with the application which says the borough will seek out funding from other sources for the 25% portion should FEMA award the grant.

Mayor Curtis: Thank you for your report.

Councilmember Cornell: They have worked very hard as you can see from the report. They have done a lot of foot work which has saved us a lot of money.

Councilmember Shaning: At the DEP meeting Paul commented that he has never in all his experience seen a work product like you folks have put together. He was extremely impressed.

Councilmember Lyons: You are seeking \$271,750.00 from us which is the required 25% match. I understand this will be stated in the commitment Letter they require.

Mr. Pannucci: The wording in the commitment letter will not bind the Borough to anything at this time.

Mr. McGoey: FEMA will give the money to the State. We are the sub-applicant. We will work with the state as to when we have to match it. We are requesting a one-million-dollar grant.

Councilmember Barnes: This application is due this Wednesday. What is the time line?

Mr. McGoey: 2023 – The State wants it this Wednesday. DEP doesn't require matching.

Mayor Curtis: Bay Head was awarded Gold-Safe Street to Schools plaque, for adding sidewalks and conducting programs by our Police Department – congratulations to all.

Our reorganization and regular meeting will be held on Tuesday, January 3, 2023 at 5:30 pm.

Wreaths Across America Ceremony will be held on Wednesday, December 21 at 4 pm in front of Borough Hall. All branches of the service will be recognized. The students from Bay Head School will participate. Please attend.

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

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

They work very hard as usual. The town was decorated, two trees were planted one by the clock and one in Centennial Park. A pipe on Johnson Street was repaired. The Comfort Station bathrooms are closed for the winter. The benches have been rehabilitated. Please pick up your kayaks by the lake or they will be moved to Public Works, we need to batten down the hatches for winter.

NJAW is scheduled to start work on Lake Avenue this week, installing new water lines.

Councilmember Barnes, Legal and Planning: We only adopted 16 ordinances this year. We are not a big government town. Hopefully next year will be less continuous, we have a couple that are ongoing.

A couple of us attended the League of Municipalities Conference – attended classes which saves us money on our insurance premium.

Car thief is up in the State – 22% for a total of 17,000 stolen this year.

Councilmember Shaning, Public Safety, read the Fire Department report. Glen Brown, Chief is out going and the 2023 line of officers are Dan Gaestel, Chief; Andy Welsh, Assistant Chief; Jay Applegate, Captain; Ken Seals and Bob Hein, Lieutenants; Chip Tillson, Chief Engineer.

The Police Report was read. There were six cars stolen in Bay Head in 2022. A copy of both reports are attached to these minutes.

Chief Hoffman: They have upped their game by breaking into homes to gain access to the car fobs. Amazon vest also appear to be involved with some of the thief. If you see someone in your yard or your neighbors, please call us. Most time they run from us and we don't chase them.

Councilmember Shaning read the report submitted by Councilmember MacPherson:

Christmas in Bay Head was a wonderful turn out. Thanks go to the Department of Public Works for decorating our town and working with our Beautification Committee.

We are looking into our Bay Head Beautification and Recreation Committees for 2023. We have several areas where we need volunteers.

The Bench Program is underway and going very nicely, there are many benches available in town to purchase for your loved one or family.

The Gratitude Tree is up. Please write you thanks and hang it on the tree.

Councilmember Lyons, Finance and Technology:

We all are experiencing a rise in costs but I am happy to report good news our OCUA rate will remain the same for 2023.

I would like to thank Mayor and all Councilmember I have served with both present and passed – I appreciated all your support, it has been a great experience. I also want to thank Bill, Jean and Frank for making our job so easy for us and all who work in Borough Hall, Police and Public Works. It is time to pass the torch – Bobby Jones will do a great job and I have given him my support.

Frank Pannucci, Borough Administrator: I would like to thank Councilmember Lyons for all he has done for Bay Head. He is a great friend to Bay Head.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

An application for a Yearly Raffle License from Sacred Heart Holy Name Society for monthly drawing in 2023

Request from Marine Science Camp Team to use Centennial Park the week of July 10-14 and August 7-11, 2023

Councilmember Lyons moved to approve the requests which was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, Lyons. NAYS: None.

Mayor Curtis called for Resolutions adding Resolution 2022-151 to the Agenda.

Resolution 2022-151

Authorizing the Submittal of a Grant Application and Commitment Letter to the Federal Emergency Management Agency (FEMA) to Award a Grant to Fund a Bay Head Hazard Mitigation Design Project

The title of each Resolution was read by the Clerk:

Resolution 2022-142

Certification of the Review of the Local Government Best Practices Check List

Resolution 2022-143

Requesting a Scope Modification from the New Jersey Department of Transportation for the FY 2021 Municipal Aid Grant Project

Resolution 2022-144

Cancel General Capital Improvement Authorizations

Resolution 2022-145

Transfer Resolution

Resolution 2022-146

Awarding a Contract for CDBG Handicapped Access Improvements to Club Drive and Park Avenue to Seacoast Construction Inc.

Resolution 2022-147

Authorizing Execution on Settlement Agreement with Ford Motor Co. - \$2,500.00

Resolution 2022-148

Authorizing El Associates for Architectural Design Services for

Reinsulating of Borough Hall - \$10,800.00

Resolution 2022-149

Approving a Two-Year Contract for the Chief of Police, William Hoffman

Resolution 2022-150

Support of Senate Bill S-1967 and State Assembly Bill A-757 in Support of The State allowing certain Volunteer Firefighters, Rescue and First Aid Squad Members to Claim \$5,000.00 Income Tax Deduction

Councilmember Lyons moved the 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.

Tom Kaelin, 191 Osborne Avenue: Resolution 2022-144 – does the money go back in the budget?

Mr. Pannucci: To spend we borrow from ourselves – these funds are not to be used.

Jon Younghans, 6 Mount Street: What is the issue with insulation in Borough Hall?

Councilmember Cornell: The building envelope was not sealed. We are hiring an architect to get that done. He is specialized in this work.

Councilmember Shaning: There are also problems with mold and condensation.

Mr. Younghans: What is the cost?

Councilmember Cornell: \$10,800.00.

Mr. Kaelin: The building is not that old – why is this happening?

Councilmember Cornell: It is a modular and there are issues as to how it was put together. The insulation was not done correctly. We hope this will help with some of the problems.

Mr. Pannucci: The contractor also went bankrupt.

Mr. Kaelin: The cost of the building was 3 million.

Councilmember Lyons: Not 3 but 2+ million.

There being no further comments or questions the Public portion was closed.

The motion passed on roll call vote: YEAS: Gates, Cornell, Barnes, Shaning, Lyons.
NAYS: None. A copy of each resolution is attached to these minutes.

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

Ms. Applegate read Ordinance 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"

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.

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

Ms. Applegate read Ordinance 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"

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

Ms Applegate read Ordinance 2022-16 titled:

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"

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, Lyons.
NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Unfinished Business.

Councilmember Lyons: I forgot to thank my wife. Thanks Alice.

Mayor Curtis called for New Business, there was none.

Mayor Curtis opened the meeting to the public.

Mr. Younghans: Is there any update on the Atlantic Pier lot?

Mr. Pannucci: They do have active permits. As a member of the Planning Board you should not be discussing that property because the Borough is appealing the court decision.

Mr. Kaelin: I listened to the Planning Board recording (October 2022) but it was very difficult to hear.

Mr. McGoey: Ordinance 2022-14 which was introduced last meeting was reviewed by the Planning Board and changes were made. Did you just approve based on our suggestions? We feel the changes really need to be made.

Mr. Pannucci: The Ordinance can be revised but this is the last meeting of the year so it will have to wait until next year.

Ms. Cipriani: Revisions could be made in January.

Mr. Kaelin: Follow up on previous comments – why aren't all minutes and agendas on the website?

Mr. Pannucci: All minutes are posted except for May and June 2022.

Mr. Kaelin: July agenda is still missing. Can't draft minutes be posted?

Ms. Cipriani: No.

Mr. Kaelin: I received a certified letter concerning work being done on NJ Transit property. What are they doing now?

Mayor Curtis: I am discussing it with the sender.

Councilmember Shaning: Tom may I make a suggestion for your New Year's resolution – say something nice and not always pointing out what is not done.

There were no further comments or questions, the public session 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, 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:
Contractual – State Aid Agreement
3. It is anticipated at this time the above stated subject matter will be made public in 30 days.
4. This Resolution shall become effective immediately.

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

Ms. Cipriani: Action may be taken following the executive session.

The Governing Body went into Executive Session at 8:19pm. At 8:44 pm they came out of Executive session and resumed the meeting.

Councilmember Lyons offered Resolution 2022-152 authorizing the execution of a state Aid Agreement with the New Jersey Department of Environmental Protection. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to the public for comments on this resolution. There were none so the public session was closed.

This motion passed on roll call vote: YEAS: Gates, Cornell, Barnes, Shaning, Lyons. NAYS: None. A copy of this resolution is attached to these minutes.

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, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor