

May 2, 2022

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on May 2, 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, MacPherson, Lyons; Borough Attorney, Jean Cipriani and Borough Administrator, Frank Pannucci.

Councilmember Lyons moved to approve the regular and executive minutes of April 4, 2022. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

Mayor Curtis presented a plaque designating Bay Head as a Healthy Town in 2021, to Meryl Clement and Sarah Erbe co-chairs to Bay Head Life. Allison Feehan representative from Bay Head Business Association and Ann Cook representative Bay Head School were also present.

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

We are in the process of enacting the SDL Municipal Management Software for our Construction Department which was voted on last month. Darren Erbe, Code Enforcement Officer and Paul Pogorzelski, Zoning Officer met with myself and Jen giving a summary of 20 areas in the land use code to be changed. We are moving in the right direction.

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

Spring cleanup has begun. The tennis courts have been resurfaced and repairs to the playground made.

As of today, stickers are required at the Recycle Center – renters are given a card so they can utilize the facilities.

The work on Osborne Avenue is complete. It will have to settle for 30 days prior to final paving. The sidewalks and curbs have also been replaced.

We recently met with NJAW about the replacement of their water main down Lake Avenue which will be pushed off until the fall. They will be replacing side services. All galvanized and steel pipes will be replaced in the next 5 or 6 years. They are going to start on Lake Avenue and you will be notice by NJAW. If you have any questions please give me a call.

Environmental Commission – Rick McGoey and our engineer have been working on a Living Shore Grant for Twilight Lake. This will allow work on the entire shore line of the lake. We are hoping to hear by the end of May and then do a full application. They are also still working on flooding in town. The next meeting will be Tuesday, May 10 at 6:30 pm.

Councilmember Barnes, Legal and Planning: We have been rather quiet this month but after our meeting with Paul and the number of proposed changes in the code – that will keep us busy.

Councilmember Shaning, Public Safety, read the Fire Department report. They are always training and keeping up their skills. The first was a live burn at Brick Fire Academy and the second was a review of radio protocol and communications.

The Police Report was read. A copy of both reports are attached to these minutes.

There were a number of incidents during the month of April. On the 16th a vehicle was stolen from Harris Street – it was unlocked and a purse was inside. This happened at 9 am.

At noon on April 22, a car was stolen from Downer Avenue, Mantoloking. The car was unlocked with keys inside.

An attempted vehicle thief was interrupted by the owner. The car was unlocked but the keys weren't in the vehicle. Please note they the cars are unlocked with the keys and even personal belongs in them. They are now using garage openers to break into homes. A home was entered at 6 am with the owner coming down and finding the intruder. They have also made multiple attempts to enter by cutting screens and breaking into the garage. The Chief urges everyone to lock your cars and take your keys or fobs inside the home with you.

Councilmember MacPherson, Parks, Grounds and Recreation: We are in the process of planning summer and a calendar will be available soon listing Mayor, Wellness and Recreation events.

On July 5th the Stem Program will start. This program is through Save Barnegat Bay and available to Bay Head, Mantoloking and Point Pleasant Beach.

The Recreation Program will be held at Bay Head School and we have a new Director.

The Tennis Courts have been resurfaced and will be open for public use soon.

Manasquan Bank has made a donation to the Beautification Committee to help us beautify our town.

Earth Day was very successful and a big thank you goes out to Karen Benziger for all her work.

We are planning a Founders Day event for June 18th which will be about the history of Bay Head.

Councilmember Lyons, Finance and Technology, had no report.

Frank Pannucci, Borough Administrator: My office and the Construction Dept. are busy training on the website and SDL software.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from Bay Head Fire Company to use Centennial Park on Saturday, September 10, 2022 from 1200 to 2100 hours for a Company picnic for its members

Request from Bay Head Life for the following events:

Memorial Day Remembrance Parade – May 30

Mayor's Walk and Talk – June 8, July 13, Aug. 10

4th Annual July 4th Bike Parade

Mayor's Cup Race on Twilight Lake – August 7

Sunset Paddles on Twilight Lake with the Mayor May 1, June 5, July 3, Aug. 7, Sept. 4, Oct. 2

Gratitude Tree – 2nd year Friday after Thanksgiving to New Year's Eve

Application from the Bay Head Fire Company for Special Event Permit (One Day Liquor License) for the Clambake to be held on Saturday, August 20, 2022

Application from Seaweeders Garden Club for Special Event Permit (One Day Liquor License) for luncheon to held at the Bay Head Yacht Club on June 16, Gardens by the Sea

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 2022-73

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) – Distracted Driving Grant - \$7,000.00

Resolution 2022-74

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) – FY Homeland Security Grant - \$16,5000.00

Resolution 2022-75

Authorizing Submission and Acceptance of Grant Application to the New Jersey Department of Highway Traffic Safety for the FY 2022/2023 Pedestrian Safety Grant - \$14,000.00

Resolution 2022-76

Extending Temporary Outdoor Dining at All Eating Establishments within the Borough of Bay Head in Accordance with P.L. 2021, C.103

Resolution 2022-77

Requesting an Extension for the Reconstruction of Lake Avenue (NJDOT MA 2019)

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.

Councilmember Shaning: Resolution 2022-74 will cover the cost of a plate reader for the Police Dept. They will then have a total of three in our department.

Rick, McGoey, 50 Harris Street: Resolution 2022-76 – when will this expire?

Mayor Curtis: January 1, 2023.

Mr. McGoey: You know, I am sure, that this will compound the parking problem in town.

Mayor Curtis: The addition seating was granted by the State.

Mr. McGoey: Will Charlie's be using the ground floor for seating?

Mayor Curtis: If they want to use it they can. They didn't use it last summer because of staffing shortage.

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

The motion passed on roll call vote: YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Gates. 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 2022-06 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING CHAPTER 11 REQUIRING THE TIMELY
SUBMISSION OF INVOICES

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

Ms. Applegate read Ordinance 2022-07 by title:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE
BOROUGH OF BAY HEAD, SO AS TO CREATE CHAPTER 55 OF THE
BOROUGH CODE ENTITLED "RECREATION COMMITTEE"

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.

Joanne Pehlivanian, 332 Western Avenue: What is the purpose to create a chapter in the Code Book for the Recreation Committee? Have other towns done this?

Mr. Pannucci: It can then be put on the books for insurance purposes.

There being no further comments or questions the public hearing was closed

This 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 Unfinished Business, there was none.

Mayor Curtis called for New Business, there was none.

Mayor Curtis opened the meeting to the public.

Penny Witt, 156 Woodland Avenue: What is the status on Atlantic Pier and the cell tower?

Ms. Cipriani: The cell tower still has to be scheduled by the Planning Board but I don't have a date on that. As to Atlantic Pier, they were denied by the Planning Board but I am not aware of where they are in the courts.

Tom Kaelin, 191 Osborne Avenue: Just a follow up to recording the meetings?

Mr. Pannucci: We are in the process of training on our new website. We are still looking but there will be no zoom or hybrid meetings.

Councilmember MacPherson: When will the Planning Board go live?

Mayor Curtis: At their next session.

Ms. Cipriani: I just spoke with the attorney for the Planning Board and he said as to Atlantic Pier, briefs have been filed, so it should be before the court in about six weeks.

Mr. McGoey, 50 Harris Street: Are we active in the CRS Program to improve our CRS rating?

Mayor Curtis: Chris Parlow is our CRS Coordinator and is working with our Construction Official.

Mr. Pannucci: He is in review with our engineer and attorney concerning the flood ordinance.

Mr. McGoey: The changes discussed to Chapter 147. Will the Planning Board review?

Ms. Cipriani: All ordinances concerning Land Use go to the Planning Board once they have been introduced by Council but before the public hearing and adoption. I am sure the Planning Board will be called on to review prior to being introduced.

Mr. Kaelin: Thanks for updating the calendar on the website, it is very helpful to see what is going on.

Since 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, MacPherson, 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 – Solid Waste
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, MacPherson, Lyons. NAYS: None.

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

The Governing Body went into Executive Session at 7:54 pm. At 8:27 pm they came out of Executive session and resumed the meeting.

Councilmember Lyons offered Resolution 2022-78 awarding a Contract to Suburban Disposal, Inc. for Solid Waste Collection Services. The motion was seconded by Councilmember Barnes and passed on roll call vote: YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, 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, MacPherson, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor