

June 6, 2022

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on June 6, 2022 at 7:00 pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis: I would like to take a moment of silence for John DeFilippis who passed today.

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 May 2, 2022. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Gates, Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

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

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

The Environment Commission applied for a Fish and Wildlife Grant. We did not get picked. We will pursue a number of other grants.

Stickers are required at the Recycle Center – renters are given a card so they can utilize the facilities.

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.

Councilmember Barnes, Legal and Planning: We are revising and reviewing various ordinances.

Councilmember Shaning, Public Safety, read the Fire Department report. I would like to thank our fire company their response to a structure fire and for also protecting the house next door.

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

Councilmember MacPherson, Parks, Grounds and Recreation:

Seaweeders and Beautification have worked with Public Works, doing a great job.

Activities this June for the Mayor's Walk will be the a Head Yacht Club and the history of the club.

On June 25th we will have a speaker for Founders Day at 4 pm in the Council Room. Light refreshments will be served.

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 we have a pickleball clinic on Wednesdays.

There is a lot going on this summer.

Councilmember Lyons, Finance and Technology:

We all are experiencing a rise in costs. Our Solid Waste contract went up more than 50%. We are happy with the service and want to continue with Suburban. We checked with other municipalities and they are experiencing the same rise in Solid Waste contracts. The League of Municipalities is working to have the State amend the cap.

We are also experiencing an increase in fuel, insurance cost which are having an effect on the budget.

On a good note our OCUA 1st quarter rates are down substantially.

Google did away with free emails and we will be paying \$3,000 to \$4,000.

Frank Pannucci, Borough Administrator: Council has said it all. They do their homework.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Application from Women's Guild of All Saints Church for Special Event Permit (One Day Liquor License) for luncheon to be held at The Bay Head Yacht Club on July 28, 2022

Application from Women's Guild of All Saints Church for 50/50 Raffle and Gift Raffle to be held at the Bay Head Yacht Club on July 28, 2022

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 2022-79

Amending Resolution 2022-52 Providing for Payment of Salaries and Compensation of Borough Officials and Employees for 2022

Resolution 2022-80

Authorizing the Return of a Street Opening Performance Bond

Resolution 2022-81

Requesting Permission for the Dedication by Rider for Recreation Fees Required by N.J.S.A. 40:48-2.56

Resolution 2022-82

Amending Resolution 2022-52 Providing for Payment of Salaries and Compensation of Borough Officials and Employees for 2022

Resolution 2022-83

Authorizing Payment to Tim Feehan and Mark Greenquist for Pickleball Clinic Instruction

Resolution 2022-84

Awarding a Professional Services Contract to Princeton Hydro to Provide Engineering Services to Prepare and Submit a Lake Stormwater Management Grant Application and Perform the Work Should the Grant Be Approved.

Resolution 2022-85

Requesting the Director of the Division of Alcoholic Beverage Control to Act upon the Request of the Bay Head Yacht Club, Inc. for Renewal of Its Liquor License

Resolution 2022-86

Approving the Renewal of a Plenary Retail Distribution License Issued to Burke's Market, LLC for the 2022/2023 License Term

Resolution-87

Approving the Renewal of Plenary Retail Consumption License Issued to Shoppers Wharf, LLC T/A Charlies of Bay Head for the 2022/2023 License Term

Resolution-88

Approving the Renewal of a Plenary Retail Distribution License Issued to And Bottles Too, Inc. for the 2022-2023 License Term

Resolution 2022-89

Approval to Submit a Grant application and Execute a Grant Agreement With the New Jersey Department of Transportation for the Reconstruction of Maple Drive, Howe Street and Holly Avenue.

Resolution 2022-90 – Authorizing the Receipt of Quotations or Bids, as Necessary for the Demolition of All Structures on Block 44, Lot 5

Resolution 2022-91

Authorizing the ward of Contracts for the Right to Lease Ground Space for the Installations of Communications Equipment and Antennas and Ground Equipment on a Tree Monopole at Bay Head Borough Recycling Center, 228 Park Avenue, Bay Head, NJ to T-Mobile Northeast LLC and Dish Wireless, L.L.C.

Resolution 2022-92

Authorizing the Submittal of an Application to the NJ Department of Environmental Protection Requesting Funds to Perform a Flood Control Study

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 2022-90, where is Block 44, Lot 5 and what is being demolished?

Ms. Cipriani stated Resolution 2022-90 would be pulled from the agenda and tabled.

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 2022-08 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING, CHAPTER 209 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HAED, ENTITLED "STREETS AND SIDEWALKS"

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 2022-09 by title:

AN ORDINANCE BY THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING THE BOROUGH CODE OF ORDINANCES TO REPEAL
CHAPTER 26, ENTITLED "FLOOD DAMAGE PREVENTION"

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.

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.

Ann Lee, 462 Lake Avenue: Are there any regulations concerning electric bikes?

Chief Hoffman: The ordinance would have to be changed.

Ms. Lee: I was almost taken out in the park and on the sidewalk.

Mr. Kaelin: Are there any ordinances about pumping water into the street? The home above me pumps 5 months out of the year and it creates a film.

Chief Hoffman: The water from sump pumps has to run to the street.

Councilmember Cornell: If you are friendly with your neighbor ask him to adjust the float so it doesn't go off so much.

Ms. Cipriani: Discharge into the sanitary sewer is prohibited.

Jeff Brendel, Point Pleasant: In 2004 I joined the Bay Head Fire Co. In April and ordinance was adopted which changed the percentage required for LOSAP. I work out of town and can't make day time calls. I would like you to consider changing the ordinance.

Ms. Cipriani: Changes were made at the suggestion of the Fire Company. The Mayor and Council rely on the Fire Company to manage themselves.

Steven Fitzpatrick, Brielle: I have served as Chief and LOSAP officer to the Fire Company. I would also like you to revisit the ordinance.

Ms. Cipriani: We have heard your points. The Governing Body relies on the Fire Company so the starting point should be made to the Fire Company.

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:
Personnel
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 may be taken following the executive session.

The Governing Body went into Executive Session at 7:55 pm. At 8:36 pm they came out of Executive session and resumed the meeting.

Councilmember Lyons offered Resolution 2022-79 Promoting Adam Curtis to the Title of Assistant Supervisor of Public Works. 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