

March 7, 2022

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on March 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, 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 February 7, 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 read portions of the attached Proclamation:

A Proclamation of March 2022 as a Month Celebrating the 50<sup>th</sup> Anniversary of the Older Americans Act Nutrition Program

Mayor Curtis: Tonight, we will conduct the process to adopt our Municipal Budget. He called for Ordinance, Second Reading, Public Discussion and Vote.

Ms. Applegate read Ordinance 2022-04 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, STATE OF NEW JERSEY, TO EXCEED THE 2022 BUDGET CAP APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-24.14)

Councilmember Lyons moved to approve 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, MacPherson, Lyons. NAYS: None. A copy of this Ordinance is attached to these minutes.

Mayor Curtis called for Resolution 2022-56 which the Clerk read by title:

Resolution 2022-56  
2022 Budget to be Read by Title Only

Councilmember Lyons moved the resolution be adopted. 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.

Councilmember Lyons introduced William Antonides, CFO who gave a summary of the budget.

Mr. Antonides: We can proceed with the public hearing but the vote to adopt will have to wait, because we are waiting on the State.

The budget is within both of our caps. The appropriations cap, which limits the amount we can actually spend and the tax levy cap, which is the amount that we can raise by taxes. The appropriations cap is \$4,408,587 and our operating budget is \$4,356,669 - \$51,918 under the cap. The levy cap is \$4,375,056 and the tax levy is \$4,106,729 - \$268,327 under caps.

The budget as introduced is \$.250 per hundred and the budget adopted last year was \$.244 per hundred or \$.006 tax increase (2.48% increase) which will generate additional funds of \$139,747. The owner of a home assessed at the average of \$1,599,991, the municipal tax bill increase would be \$132 or \$.36 per day.

Some of the major items that have caused the tax increase this year include 25% in flood insurance on the fire department, 21.5% increase in liability insurance, 9% increase in PERS and 8.65% increase in PFRS. We are placing \$60,000 for future capital: \$30,000 each for beach replenishment and fire truck. Also remember gasoline prices are up substantially. We have kept the increase to 2.48%.

Mayor Curtis opened the meeting to the public for comments or question concerning the 2022 Municipal Budget.

Councilmember Lyons: We have placed \$30,000 aside for Beach Replenishment and will do so each year. We are not sure what that cost will be.

Mayor Curtis closed the public hearing on the 2022 Municipal Budget.

Councilmember MacPherson: Thank you for keeping the increase so low. Everyone works very hard to do that.

Councilmember Lyons: We are happy with the budget – as we know taxes always go up but the increases that make that happen are out of our control.

Mayor Curtis: We recently meet with Ocean County Engineering about projects for this year. Larry and Frank also attended that meeting. They informed us that they are beginning to start work on Bridge Avenue and Club Drive concerning the flooding. We should see that activity soon. The stump at Bridge and Holly has been removed down to the ground. They are also working on the flooding at the corner of Osborne and Lake. Pipes and equipment have been delivered to the site. The plan is to take the water to the Point Pleasant Pump Station, treat it and pump it out to the ocean. Hopefully this will reduce the flooding in that area.

Mayor Curtis called for Committee Reports.

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

Councilmember Cornell, Public Works: We have been busy as always, working on HVAC. Working with the engineer and Flood Committee to get our map undated. Ocean County is working on Osborne Avenue and we have been coordinating with them. We need to obtain permits from the state for our work on Lake Avenue so hopefully that work will be in the fall. A catch basin has been installed on Wyndham Drive. Public Works have picked up the town planter boxes which have been painted green. They also replaced some street signs. It has been crazy busy and we appreciate all their hard work.

The Environment Commissions will meet tomorrow evening Tuesday, March 8, 2022 at 6:30 pm. They continue working with Princeton Hydro. As of May 4<sup>th</sup> the plastic bag ban will go into effect for the entire state.

Councilmember Barnes, Legal and Planning: The sign ordinance will be on the April agenda. We are working with the Business Association – hopefully by summer it will be approved.

Councilmember Shaning, Public Safety, read the Fire Department report and the Police Report. A copy of the report is attached to these minutes.

Councilmember MacPherson, Parks, Grounds and Recreation: Bench donation is coming. Public Works is working on the parks. The tennis courts will be resurfaced. Thanks to Public Works for getting the pots painted. There will be a celebration of Earth Day on April 23<sup>rd</sup> from 10 am to 4 pm. Bay Head Life will start with their speaker series in May. We are also working on a calendar for recreation thru summer and the rest of the year.

Councilmember Lyons, Finance and Technology: The Tax Collector's Report for 2021 submitted by John Antonides, Sr. was read and discussed. A copy of the report is attached to these minutes.

Frank Pannucci, Borough Administrator: The 2022 Budget gives the town everything it needs – there is a lot of good stuff going on.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from the Bay Head Business Association to close Howe Street between Scow Ditch and Lake Avenue on June 26<sup>th</sup> for their 2022 Bay Head Art in the Park...and Beyond

Request from Point Pleasant Beach High School PTO for residents to participate in their Town Wide Garage Sale, Saturday, May 14<sup>th</sup> from 9 am to 3pm with rain date of Sunday, May 15<sup>th</sup>

Application for Raffles License from the Bay Head Fire Company #1 for Off Premise Gift Card and On Premise 50/50 for their annual Clam Bake to be held on Saturday, August 20, 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 2022-58  
Authorize Refund of Tax Overpayments

Resolution 2022-59  
Authorize Entry into Agreement with Dynamic Testing Service

Resolution 2022-60  
Authorizing Submission of the 2022 Distracted Driving, Crackdown U Drive, U Test, U Pay Grant

Resolution 2022-61  
Approving a Change Order in the amount of \$11,455.03 for an Increase in the Contract Executed with APCO Paving Company, Inc. for the NJDOT Municipal Aid Program – Bayberry Lane, Egbert Street and Club Drive Road Improvements

Resolution 2022-62  
Authorizing the Receipt of Bids for the Lease of Real Property for the Co-Location of Wireless Communications Equipment and Antennas and Ground Equipment on a Tree Monopole at Bay Head Borough Recycling Center, 228 Park Avenue, Bay Head, New Jersey 08742

Resolution 2022-63  
Awarding Peddler's License for the Year 2022

Resolution 2022-64  
Awarding a Professional Engineering Services Contract to Van Cleff Engineering to provide Surveying and Engineering Design, Bidding,

Construction and Inspection Services for the Sally Port Reconstruction

Resolution 2022-65

Awarding a Contract to Halecon for the Resurfacing of the Tennis Courts in Centennial Park

Resolution 2022-66

Awarding a Contract to Falana for Maintenance Service to our HVAC System in the Municipal Building

Resolution 2022-67

Authorizing the Transfer of Appropriations in the Calendar Year 2022 Budget

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.

Bob Hein, 204 East Avenue: Who are the peddlers?

Ms. Applegate: Ron Ruggiero and Brian Shenan.

There being no further comments or questions the public comment period 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 Ordinances, First Reading.

Ms. Applegate read Ordinance 2022-05 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 25, ENTITLED "FIRE DEPARTMENT"

Councilmember Lyons moved this ordinance on first reading, which motion was seconded by Councilmember Barnes.

The 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. This ordinance is scheduled for second reading and public hearing on April 4, 2022.

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. There were no comments or questions.

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:  
Anticipated Litigation – Affordable Housing
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 Councilmember Barnes and passed on roll call vote: Gates. Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

Ms. Cipriani: No action will be taken following the executive session.

The Governing Body went into Executive Session at 7:37 pm. At 8:35 pm they came out of Executive session and resumed the meeting.

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

