

**BOROUGH OF BAY HEAD
OCTOBER 3, 2022
COUNCIL MEETING MINUTES**

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on October 3, 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 Lyons, Gates, Barnes, Shaning, MacPherson and Cornell. Also in attendance was Borough Administrator Frank Pannucci, Borough Attorney Jean Cipriani and Deputy Borough Clerk Antoinette Jones.

Mayor Curtis read the following Proclamations:

1. United Nations Day – October 24, 2022
2. November 2022 Family Court Awareness Month
3. 2022 Fire Prevention Week – October 9-15, 2022

Council Member Gates made a motion to approve the September 19, 2022, Regular and Executive Minutes, seconded by Council Member Barnes and passed on roll call: YEAS: Gates, Barnes, Shaning, MacPherson, Cornell, NAYS: None; ABSTAIN: Lyons.

Mayor Curtis called for Committee Reports.

Council Member Gates gave the Public Services Committee Report. He summarized the reports from August and September from Andrew Rempfer, Construction Official. There were 53 permits issued and 150 inspections conducted. He then summarized the reports from the Zoning Officer and Code Enforcement Officer. Council Member Gates stated he spent a morning with Code Enforcement Officer Darren Erbe last week covering the north end of town specifically looking for overgrown vegetation, which was brought up by a resident at the last council meeting. They will also cover the south end of town next week. It seems when Darren sends out a notice, the homeowner does respond, and they are interested in keeping their property maintained.

Council Member Cornell gave the Public Works Committee Report. DPW cut the grass twice around town and the school grounds. They made 15 trips to the Ocean County Recycling Center. They swept the streets. Plants were trimmed back by the Municipal Building and town clock. They got rid of a few dead trees. For October they are going to finish up closing the comfort station for the winter, probably after Halloween. We did have a meeting with New Jersey American Water regarding replacing the water main, they are still waiting on permits. We finished the plan for the CDBG to make the sidewalks ADA compliant.

Council Member Barnes stated she had no report for the Legal & Planning Committee.

Council Member Shaning gave the Public Safety Committee Report. He gave the report from Fire Chief Glen Brown. In the month of September there were 11 fire calls, 8 were fire alarms, 2 were gas leaks and 1 carbon monoxide. The Fire Department did two drills practicing with the equipment on the trucks.

Council Member Shaning read Police Chief Hoffman's monthly report which included 18 assists to other departments, 9 vehicles impounded, 2 driving while intoxicated, 9 first aid calls and 1 report of a stolen vehicle which was recovered.

Council Member MacPherson gave the Parks, Grounds and Recreation Committee report. She stated due to the rainy weekend most events were cancelled. The Bay Head Shark Run will be rescheduled for October 22nd. The Bay Head Bonfire will be rescheduled probably in the Spring.

Council President Lyons gave the Finance and Technology report. He said we are coming upon budget season. We will probably start doing budget transfers from areas that we have a little extra to areas that need it. We will also be meeting to start the 2023 budget, and even though he won't be on Council to see it through, he will be working diligently with the Finance Committee to make sure we are in good shape for 2023 and beyond.

Mr. Pannucci, Borough Administrator stated nothing has changed since the last meeting two weeks ago.

Ms. Cipriani, Esq., stated that this evening only Ordinance No. 2022-11, Amending and Supplementing Chapter 147 of the Borough Code of the Borough of Bay Head, entitled "Land Use" would be adopted this evening. Ordinance Nos. 2022-12 and 2022-13 are still being reviewed and have substantial changes and will be re-introduced this evening and final reading and public hearing will be done at the November 7, 2022, council meeting.

Mayor Curtis called for Clerk's Correspondence.

Ms. Jones read the Clerk's Correspondence on Consent Agenda, Resolution No. 2022-121:

1. Jersey Shore Running Club Annual RunAPalooza, April 1, 2023, starting at 8:30 AM.

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

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

2022-122	Authorizing Refund of Pickleball Deposit
2022-123	Authorizing Execution of a Shared Services Agreement with the Bay Head Board of Education and the Borough of Bay Head to Provide a School Resource Officer

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

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

Joanne Pehlivanian, 332 Western Avenue questioned the School Resource Officer Resolution.

Ms. Cipriani replied the Borough is already in a Shared Services Agreement with the Board of Education, but the agreement needs to be renewed for 2022-2023.

Mayor Curtis called for the Ordinances, Adoption.

Ms. Jones 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 President Lyons moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Council Member Barnes.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

Rich McGoey, 50 Harris Street, thanking the Governing Body for their swift response in getting this ordinance adopted.

Theresa Jankowski, 163 Park Avenue, stated she was confused as to what this ordinance was for.

Mr. McGoey responded as Planning Board Member. He explained the need for the ordinance.

Penny Witt, 156 Woodland Avenue, asked if the Planning Board was the same as a Land Use Board.

Mr. McGoey responded yes.

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

The motion passed on roll call vote: YEAS: Lyons, Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None.

Mayor Curtis called for Ordinances, First Reading:

Ms. Jones 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 President Lyons moved this ordinance on first reading, Seconded by Council Member Barnes and passed on roll call: YEAS: Lyons, Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None. This ordinance is scheduled for second reading and public hearing on November 7, 2022.

Ms. Jones 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 President Lyons moved this ordinance on first reading, Seconded by Council Member Barnes and passed on roll call: YEAS: Lyons, Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None. This ordinance is scheduled for second reading and public hearing on November 7, 2022.

Mayor Curtis asked Council if they had any Unfinished Business.

There was none.

Mayor Curtis asked Council if they had any New Business.

Council Member Cornell reminded residents that we are approaching the winter months and to remove any vessel that is around Twilight Lake.

Mayor Curtis opened the meeting to the public.

Seeing no hands, Mayor Curtis closed public portion.

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

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

Council President Lyons 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 Barnes and passed on roll call: YEAS: Lyons, Gates, Barnes, Shaning, MacPherson; Cornell NAYS: None.

Council returned from Executive Session at 8:09 PM.

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

Meeting was adjourned.

Antoinette Jones, Deputy Borough Clerk

William W. Curtis, Mayor