

April 4, 2022

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on April 4, 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 March 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 Proclamations:

National Library Week – April 3-9, 2022  
Child Abuse Prevention Month

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

Councilmember Cornell, Public Works read the Public Works report for the month of March. A copy of the report is attached to these minutes. We have been pretty busy.

The Clayton Avenue project was finished today. NJAW surveyors have been surveying from Osborne to Mantoloking. They will be replacing a water main. The town bathrooms will be open soon. Ocean County continues working on Osborne Avenue, rerouting drainage to the pump station in Point Pleasant Beach. It will have to settle for 90 days prior to paving.

Councilmember Barnes, Legal and Planning: The sign ordinance is finalized and will be discussed in executive session tonight. I would like to thank the business association for their comments and some changes were made as to their suggestions.

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

Our entire Police Department attended Domestic Violence Training. Also, as to Child Abuse Prevention Month – it is your obligation to report child abuse to DCPD.

Chief Hoffman: Some people think you have to leave your name but you don't have to when you make a report of child abuse to DCPD.

Councilmember MacPherson, Parks, Grounds and Recreation: Earth Day will be celebrated on April 23<sup>rd</sup> in the grassy area beside Manasquan Bank from 10 am to 2 pm. Calendar of events for Bay Head Life/Mayor's Wellness will be mailed to all residents soon. Pinwheels will be placed in the garden so take one to place in your garden. The Bay Head Recreation Program Director will be appointed tonight and the program will run from July 5<sup>th</sup> for six weeks. The tennis courts will be resurfaced soon and will be marked for tennis and pickle ball. We are adding a Stem Program. We will be hosting and working with Safe Barnegat Bay. Stay tuned we will have more information on this.

Councilmember Lyons, Finance and Technology: We will be voting on the Adoption of the 2022 Budget tonight. We were ready at the last meeting but had to wait on the State.

Technology: I would like to thank our Borough Administrator for his continued work on the new website which will be much improved. We are also adding a new software program to our Building Department. Councilmember Gates would you like to comment on that?

Councilmember Gates: We will be adding new software to track applications, inspections and the resolution to do so is on the agenda tonight. We chose SDL Municipal Management Software to service all aspects of this new addition to our building department. Each inspector will have a tablet so they can log their inspections in the field. It will also work with zoning. We looked at two or three different options but feel this one with SDL will be the most effective and efficient for the work in Bay Head. It will bring us into the next generation of technology.

Councilmember MacPherson: People have asked for better communication and I am so excited and feel our new website will be more user friendly.

Frank Pannucci, Borough Administrator: I feel the new building department program will be very beneficial. Log in and see the progress of your permit.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from Bay Head Life for permission to use Centennial Park for their 1<sup>st</sup> Annual Health Fair on Sunday, October 2, 2022 from 10 am to 4 pm

Request from the Point Pleasant First Aid Squad for permission to hold a Coin Toss at the corner of Bridge and Lake Avenue on June 18<sup>th</sup> and

August 27<sup>th</sup>

Request from Bay Head Life for permission to use the municipal parking lot (west side) for their Earth Day Celebration on Saturday, April 23<sup>rd</sup>

Request from Bay Head Historical Society to use the Meeting Room on Saturday, June 24<sup>th</sup> from 10 am to 12 pm

Request from Eric Beyer, owner of Beach House Classic Boardshop for his Annual Old School Surfboard Display in front of 517 Main Avenue on Sunday, May 1<sup>st</sup> from 8 am to 5 pm with rain date Sunday, May 8<sup>th</sup>

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 2022-57  
Adoption of 2022 Municipal Budget

Resolution 2022-68  
Authorizing Refund of Tax Overpayment

Resolution 2022-69  
Requesting permission for the Dedication by Rider for Donations for Park Benches Required by N.J.S.A. 40A:5-29

Resolution 2022-70  
Authorizing a License Agreement with Save Barnegat Bay in connection with the Barnegat Bay STEM Summer Series Program

Resolution 2022-71  
Appointing Jessica Beckett Summer Recreation Coordinator

Resolution 2022-72  
Authorizing entry into an Agreement with Spatial Data Logic (SDL) Municipal Management Software for the Building Department

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. There being none 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 resolutions is attached to these minutes.

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

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 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.

Steve Fitzpatrick, Brielle: I have been in a fire department for 43 years. He reviewed the existing ordinance with proposed Ordinance 2022-05 pointing out portions that were being deleted. Is the town given up control of the department?

Ms. Cipriani: The Council sees the continuing need of structure in those positions. But it is not the Municipalities responsibility it is the company from its respective rules and by laws. The Fire Company will manage the department.

Mr. Fitzpatrick: Was this ordinance run by JIF?

Ms. Cipriani: Some are but not all. When there are matters that JIF would care about such as acquisition or sale of properties.

Jeff Applegate, Jr., President of the Bay Head Fire Company: Thank you.

There being no further 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 Ordinances, First Reading.

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 on first reading, which motion was seconded by Councilmember Barnes.

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.

This ordinance is scheduled for second reading and public hearing on May 2, 2022.

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 on first reading, which motion was seconded by Councilmember Barnes.

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.

This ordinance is scheduled for second reading and public hearing on May 2, 2022.

Mayor Curtis called for Unfinished Business, there was none.

Mayor Curtis called for New Business.

Councilmember Cornell: When is bulk pick up?

Ms. Applegate: The first Monday in June and October.

Mayor Curtis: Tomorrow evening I will hold Mayor's Hours from 6 pm to 7 pm. Come out and meet the Mayor.

Mayor Curtis opened the meeting to the public.

Rick McGoey: The Environmental Commission is working on flooding in town, identifying and listing preliminary steps to take and working on a long range plan. Funding will be available in 2024 from DEP. We need to prepare a preliminary design and final design to submit. The first step is to make sure our ideas are feasible. We also need from Van Cleff a cost for the design. This will take a fair amount of time and money and we will need funding. Once we identify the steps to take we will need money to do the study and we request, hopefully you will find those funds to do so. We feel our chances are better with DEP than through Federal funds. We filed an application with DEP and they requested information on March 23, 2022.

Mr. Pannucci: They have everything.

Councilmember Cornell: Rick and his committee have worked very hard on this. Their efforts have saved us a lot of money.

Mayor Curtis: Let's not miss this opportunity.

Peter Doane, 325 Lake Avenue: Any thoughts of putting lights on the tennis courts. I understand the BHYC received approval for lights on their courts.

Mr. Pannucci: Right now, no. We did find funds to resurface the courts but we will have to budget for lights.

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 – LOSAP, Contractual Matters, Sign Ordinance  
Attorney Client Privilege
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 7:59 pm. At 8:38 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