

February 7, 2022

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on February 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 Cornell, Barnes, Shaning, MacPherson, Lyons; Borough Attorney, Jean Cipriani and Borough Administrator, Frank Pannucci. Councilmember Gates was absent.

Councilmember Lyons moved to approve the regular minutes of January 3, 2022. The motion was seconded by Councilmember Cornell and passed on roll call vote. YEAS: Cornell, Barnes, Shaning, MacPherson, Lyons NAYS: None.

Mayor Curtis called for Committee Reports.

Councilmember Shaning read the following reports for Public Services Chairman, Jim Gates: Construction and Code Enforcement for the month of January and Zoning report for the month of December. A copy of each report are attached to these minutes.

Councilmember Cornell, Public Works: We have had a busy last couple of days. I would like to thank the public works employees for their work over the last snow storm which totaled 19 straight hours to make sure the roads were clear. I would like to remind you to try and get your cars off the streets, which makes their job less difficult and would be appreciated.

Mayor Curtis: Can we ticket those cars that are left on the street?

Chief Hoffman: Only if they are on streets listed in the code.

Councilmember Cornell: The check valve on Johnson Street was installed. We are moving forward with the Strickland Street Pumping Station. There have been many trips to the Ocean County Recycling. They have also picked up Christmas trees and removed all Christmas decorations around town. Please remember that wreathes can't be recycled.

Bay Head Environmental Commission: NJ submitted an application to FEMA for \$110,000,000 grant on January 28th for flood mitigation. Bay Head's request

for \$388,000 was part of this request. Princeton Hydro will perform a surveillance of Twilight Lake this Thursday. A letter was sent to Congressman Smith asking that Bay Head flood study be funded by money from the Infrastructure Act passed November 15th. The Environment Commissions will meet tomorrow evening Tuesday, February 8, 2022 at 6:30 pm.

Councilmember Barnes, Legal and Planning: I am happy to report that our biggest accomplishment – the sign ordinance is complete. The intent is to help the business district out. We will send a final draft to the Business Association and hopefully have it on the March agenda for introduction.

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

Councilmember MacPherson, Parks, Grounds and Recreation, had no report.

Councilmember Lyons, Finance and Technology: I will defer on Technology to the Borough Administrator.

Finance: The Budget Committee has been working on the 2022 Budget which will be introduced tonight. You may pick up a copy to review prior to the Budget Hearing scheduled for March 7, 2022 at 7 pm. The municipal tax rate is increasing from 24.4 cents to 25.0 cents and increase of .6 cents or (2.42%). The Finance Committee would like to thank all of Council who try to keep taxes as low as possible while providing the best value to our residents.

Frank Pannucci, Borough Administrator: On the agenda is Resolution 2022-55 which authorizes entry into a contract with CIVICPLUS for the purchase and implementation of a new Borough of Bay Head Website. I am also obtaining quotes to redo our audio visual and get the best price as possible.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following requests:

Request from National Multiple Sclerosis Society for their annual Bike MS: Coast the Coast passing through Bay Head on Saturday May 7th between 9 am and 4 pm

Request from Clean Ocean Action for their 37th Annual Spring Beach Sweeps on Saturday, April 9th and the Fall Beach Sweeps on Saturday October 22nd from 9 am to 12:30 pm

Request from Bay Head Business Association to add rain date of August 13th for their annual Glimmer of Hope

Councilmember Lyons moved to approve the requests which was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

Mayor Curtis called for Resolutions.

The title of each Resolution was read by the Clerk:

Resolution 2022-42

Authorizing the Execution of a Shared Services Agreement with the County of Ocean for "Move Over" Law Enforcement Program

Resolution 2022-43

Authorizing the Execution of a Schedule "C" Agreement with the County of Ocean Road Department

Resolution 2022-44

Authorizing Agreement for Certain Legal Services adopted by the Borough of Bay Head

Resolution 2022-45

Appointing Class II Special Law Enforcement Officer for the Borough of Bay Head and authorizing attendance at Ocean County Police Academy

Resolution 2022-46

Authorizing the Execution of a Shared Services Agreement with the County of Ocean for the Prosecutor's Program

Resolution 2022-47

Authorizing Refund of Tax Overpayment

Resolution 2022-48

Authorizing the Execution of a Contract with John Neary for Animal Control Services for the Borough of Bay Head

Resolution 2022-49

Authorizing the Transfer of Appropriations in the Calendar Year 2022 Budget

Resolution 2022-50

Appointing James T. Markham as Part-Time Special Law Enforcement Officer Class II

Resolution 2022-51

Authorizing the Borough of Bay Head through the Bay Head Police Department to participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to enable the Bay Head Police Department to request and acquire excess Department of Defense Equipment

Resolution 2022-52

Providing for Salaries and Compensation of Borough Officials and Employees for 2022

Resolution 2022-53

Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title: VII of the Civil Rights Act of 1964"

Resolution 2022-54

Introduction of the 2022 Municipal Budget

Resolution 2022-55

Authorizing Entry into a Contract with CIVICPLUS for Purchase and Implementation of a new Borough of Bay Head Website

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 comments period was closed. The motion passed on roll call vote: YEAS: Cornell, Barnes, Shaning, MacPherson. Councilmember Lyons voted to pass all except for Resolution 2022-52 which he voted to abstain. NAYS: None. A copy of each resolution is attached to these minutes.

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

Ms. Applegate read Ordinance 2022-01 by title:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY AGGREGATE AMOUNT OF \$15,000 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE COST THEREOF

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.

The motion passed on roll call vote. YEAS: Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Ms. Applegate read Ordinance 2022-02 by title:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$507,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$481,650 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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.

The motion passed on roll call vote: Yeas: Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Ms. Applegate read Ordinance 2022-03 by title:

BOND ORDINANCE PROVIDING FOR THE FUNDING OF AN EMERGENCY APPROPRIATION FOR THE REPAIR/REPLACEMENT OF THE STRICKLAND STREET PUMP STATION BY THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$225,000 AND AUTHORIZING THE ISSUANCE OF \$213,750 IN BONDS AND NOTES TO FINANCE PART OF THE COST THEREOF

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.

The motion passed on roll call vote. YEAS: 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 2022-04 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, STATE OF NEW JERSEY, TO EXCEED 2022 BUDGET CAP APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK N.J.S.A. 40A:4-14.14

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

The motion passed on roll call vote: YEAS: 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 March 7, 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.

Bob Hein, 204 East Avenue: I would like to thank the Police Department for their rapid response to my neighbor who had a medical emergency. Question – the NJ Transit signs have been up for a year. I feel it is time to revoke the waiver they were given and have them taken down.

Mayor Curtis: Yes, we can move on that, thank you.

Chris Angulo, 426 Penn Avenue, Lacey, New Jersey: My daughter has down syndrome and the Bay Head Police have filed false accusations against me and now I can't see her. I have never threatened the Bay Head Police like they say. They are an embarrassment to Bay Head and are conspiring against me. I can't go to the Bay Head School because of this. There is a u tube posted that I would like removed.

Mayor Curtis: Thank you.

There being no further comments the public discussion 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: 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 and Contractual Matters concerning the Cell Tower and Carriers
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: 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 7:44 pm. At 8:09 pm they came out of Executive session and resumed the meeting.

Ms. Cipriani: In executive session the matter of anticipated LOSAP litigation and a Shared Service Agreement with Brick Township were discussed.

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: Cornell, Barnes, Shaning, MacPherson, Lyons. NAYS: None.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor