

November 6, 2023

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on November 6, 2023, 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, 2023; was published in *The Ocean Star* on January 6, 2023, and the *Asbury Park Press* on January 7, 2023.

The roll was called for attendance. Present were Mayor Curtis, Council President Shaning, Councilmembers Barnes, Gates, Jones, Cornell and MacPherson, Borough Attorney, Jean Cipriani and Borough Administrator, Frank Pannucci.

Council President Shaning moved to approve the regular minutes of October 2, 2023. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Barnes, Gates, Jones, MacPherson, Shaning. NAYS: None. ABSTAIN: Cornell.

Mayor Curtis read a Proclamation entitled, "National Family Caregiver Month – November 2023."

Mayor Curtis reminded residents that this Saturday is Veteran's Day, and we will be honoring them at 11:00 AM on 11/11/23 at Blue Star Memorial Park.

Mayor Curtis called for Committee Reports.

Councilmember Gates, Finance: Stated there are a couple relevant things this year affecting the budget. The first is inflation which is starting to ease. We received good news from the State. When it came to garbage and pension, those items were very high last year but we were able to pay them outside the cap. This year the State is allowing us to carry them into next year's budget. On another note, we finished our annual audit. The good news is that we have no corrective actions.

Councilmember Cornell, DPW: Stated Public Works has been very busy cutting grass, repainting the crosswalks, applying teak oil to all the old benches, etc. They resolved a sewer back-up at the intersection of Lake Avenue and Bridge Avenue. They are also in the process of getting the snow removal equipment ready for this coming winter. New Jersey American Water is replacing the water main on Bridge Avenue. She received an update from the Engineer, Earle Asphalt should be done by Wednesday with the curbing. They installed check valves, and they will mill on Monday, pave on Tuesday and the work substantially completed by Wednesday.

Councilmember Barnes, Legal and Planning: Stated there are two ordinances on the agenda this evening. The first is revisions to the parks in town. Most importantly the parks have been identified and some restrictions were established. The second ordinance for introduction this evening revises the electronic bike ordinance. Initially when we adopted our ordinance, Point Pleasant Borough stole it and made revisions to it. When I saw their ordinance, I liked some of their revisions, one being that the bikes need to be registered with the town, so I decided to amend ours. In January I would like to introduce an ordinance amending the animal control officer.

Councilmember Jones, Land Use: Read the monthly reports. A copy of the reports is attached to these minutes.

Councilmember MacPherson, Recreation: Stated the Beautification Committee is planning our holiday season. They are working with the Seaweeders and DPW decorating for Christmas. She thanked the Hess family for donating a tree which will be placed at Borough Hall by the Manasquan Bank. Also, there are plans to redo the shrubs and trees outside Borough Hall. She reminded the residents that the Mayor's Walk is scheduled for Saturday, December 9<sup>th</sup>, the

Christmas Tree lighting is Friday, December 1<sup>st</sup> and Breakfast with Santa is Saturday, December 2<sup>nd</sup>.

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

Frank Pannucci, Borough Administrator: Stated the annual Best Practices Survey has been submitted to the State and once again Bay Head will receive 100% of the State Aid.

Ms. Cipriani, Borough Attorney: Stated she had no comment this evening.

Mayor Curtis called for Clerk's Correspondence.

Ms. Jones offered Resolution 2023-146

- Twilight Lake Model Boat Club, occasional practice sailing in RC boats ranging in size from 30 inches to 60 inches in the lake in October, November, March, April, and May.
- J. McLaughlin Sidewalk Sale, November 17-19, 2023.
- Raffle License Application #539, Off-Premise 50/50, Sacred Heart Holy Name Society, monthly drawing at Sacred Heart Church.
- Mayor's Walk, December 9, 2023, from 2:00 PM – 4:00 PM at the Municipal Building. Crest Pointe will be providing a beverage truck.

Mayor Curtis opened the meeting to the public for questions or comments on the resolutions.

There were none.

Mayor Curtis called for a vote on the motion.

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

Mayor Curtis called for Resolutions. The title of each Resolution was read by the Clerk.

Resolution No. 2023-147

Grant Agreement Between the Borough of Bay Head and the State of New Jersey by and for the Department of Environmental Protection (Electric Street Sweeper)

Resolution No. 2023-148

Recognizing the Need for Representation from Ocean County on the NJ Board of Public Utilities

Resolution No. 2023-149

Appointing Dudley D. Ryan and Stephen Sajer as Volunteer Firemen

Resolution No. 2023-150

Certification of the Review of the Local Government Best Practices Check List

Resolution No. 2023-151

Governing Body Certification of the Annual Audit

Resolution No. 2023-152

Amending a Professional Engineering Services Contract with O'Donnell Stanton & Associates (Now Van Cleefe Engineering Associates, LLC) to Provide Surveying, Engineering Design, Permitting, Bidding, Construction, and Inspection Services for the Lake Avenue Improvement Project (between Bridge Avenue and Osborne Avenue)

Resolution No. 2023-153

Appointing Anja Kane as Finance Office Assistant

Council President Shaning moved the resolutions be adopted. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to the public for questions or comments on the resolutions.

There were none.

Mayor Curtis called for a vote on the motion.

The motion to approve was passed on roll call vote: YEAS: Barnes, Gates, Jones, MacPherson, Shaning, Cornell. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis called for Ordinances, Second Reading:

Ms. Jones read Ordinance 2023-13 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF TITLE OF 140 MEADOW AVENUE (LIBRARY) ALSO KNOWN AS BLOCK 44, LOT 5 ON THE TAX MAP OF THE BOROUGH OF BAY HEAD TO BAY HEAD BOARD OF EDUCATION PURSUANT TO N.J.S.A. 40A:12-13(B)(1) AND N.J.S.A. 40A:12-

Council President Shaning 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 hearing on this ordinance.

Resident, Osborne Avenue asked why was the library shut down?

Mayor Curtis responded the library was leased to the Borough and the Borough has relinquished the lease and has given it back to the Board of Education. The BOE is going to make a preschool out of it.

Seeing no other hands, the public portion was closed.

The motion to approve was passed on roll call vote: YEAS: Barnes, Cornell, Gates, Jones, MacPherson, Shaning. NAYS: None. A copy of the ordinance is attached to these minutes.

Mayor Curtis called for Ordinances, Second Reading:

Ms. Jones read Ordinance 2023-14 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR THE PURCHASE OF AN ELECTRIC STREET SWEEPER AND APPROPRIATING \$418,160 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$165,160 IN BONDS OR NOTES OF THE BOROUGH OF BAY HEAD TO FINANCE THE SAME

Council President Shaning 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 hearing on this ordinance.

Resident, Osborne Avenue, asked what other roads would not be utilizing the electric street sweeper?

Mr. Pannucci responded Bay Avenue, Bridge Avenue and Osborne Avenue.

Councilmember Barnes stated a maintenance agreement with the County or State would be required. She stated the County has been very receptive to her prior requests for the streets to be swept and that she would write a letter asking them to put the county roads in Bay Head on a more regular schedule for sweeping.

Seeing no other hands, Mayor Curtis closed the public portion.

The motion to approve was passed on roll call vote: YEAS: Barnes, Cornell, Gates, Jones, MacPherson, Shaning. NAYS: None. A copy of the ordinance is attached to these minutes.

Mayor Curtis called for Ordinances, First Reading:

Ms. Jones read Ordinance 2023-15 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 169, ENTITLED "PARKS AND WIDELIFE SANCTUARIES"

Council President Shaning moved this ordinance be adopted on first reading. The motion was seconded by Councilmember Barnes.

The motion to approve was passed on roll call vote: YEAS: Barnes, Gates, Jones, MacPherson, Shaning, Cornell. NAYS: None. A copy of the ordinance is attached to these minutes.

Ms. Jones read Ordinance 2023-16 by title:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 222 OF THE BOROUGH CODE ENTITLED "VEHICLES AND TRAFFIC" SO AS TO CREATE SECTION 222-17.1, REGULATING LOW SPEED ELECTRIC VEHICLES

Council President Shaning moved this ordinance be adopted on first reading. The motion was seconded by Councilmember Barnes.

The motion to approve was passed on roll call vote: YEAS: Barnes, Gates, Jones, MacPherson, Shaning, Cornell. NAYS: None. A copy of the 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.

Resident, Osborne Avenue asked if instead of selling pre-cut Christmas trees, would it be possible to sell live trees that could be planted after the holiday season? He realizes it would be too late for this year.

Councilmember MacPherson replied that there is a fundraiser already in place done by the 8<sup>th</sup> grade class. She has talked with State representatives along with the Seaweeders and there is a plan in place to replace the dead trees on Route 35 with new trees.

Councilmember Cornell stated that the Environmental Commission is also looking into the trees and urged the resident to attend their next meeting.

Resident, East Avenue, stated the clock in front of Borough Hall is not working.

Councilmember Cornell stated she will get in touch with DPW.

There being no other comments, the public discussion was closed.

Councilmember Gates moved to approve the vouchers for payment. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Barnes, Gates, Jones, MacPherson, Shaning, Cornell. NAYS: None. A list of vouchers is attached to these minutes.

Mayor Curtis stated we would not be entering into Executive Session this evening.

There being no further business, Council President Shaning moved the meeting be adjourned. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Barnes, Gates, Jones, MacPherson, Shaning, Cornell. NAYS: None.

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Antoinette Jones, Deputy Municipal Clerk

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William W. Curtis, Mayor