

**BARNEGAT TOWNSHIP COMMITTEE  
OCEAN COUNTY  
900 WEST BAY AVENUE  
BARNEGAT, NJ 08005**

**REGULAR MEETING MINUTES  
NOVEMBER 15, 2016, 6:30 PM**

**1. Call to Order**

**2. Provisions of the Open Public Meetings Law:**

Pursuant to the requirements of the Open Public Meetings Law, adequate Public Notice of this meeting has been given:

- By publication in the official newspapers of the date, time and location of this meeting more than 48 hours in advance, and
- By posting advance written notice on the Official Bulletin Board in the Municipal Building, and in the office of the Township Clerk for the purpose of Public inspection.

**3. Roll Call of Officials Present:**

Committeeman Caputo – Present  
Committeeman Cirulli - Present  
Committeewoman McCabe – Present  
Deputy Mayor Bille - Present  
Mayor Novak – Present

**4. Salute to the Flag**

**5. Committee Reports**

**6.**

**F. Caputo-** Congratulated Al Bille and Al Cirulli on their re-election, and utmost respect to the other candidates. Gave a police and fire department reports as well as, talked about the Santa Run. Extended a Happy Thanksgiving to all.

**S. McCabe-** Congratulated Al Bille and Al Cirulli and gave Holiday sentiments.

**Al Bille-** Thank you to all involved with the election. Gave Project Playground updates. As far as individual parks he and Susan will be looking into. In regards to Meadowbrook they are doing a great job. The Gazebo is receiveing new roof. The Farmers Market will be November 20<sup>th</sup> and Santa will be there for photos and he is requesting everyone bring a nonperishable item for the food pantry.

**Al Cirulli-** Thanked everyone for the help with the election, best wishes to our opponents. As far as the PBA we are hoping to bypass arbitration. Sees a good year for Barnegat.

## 7. Mayor's Report

**J. Novak-** Thank you to everyone who voted and involves themselves with the process. Thanked all the candidates. Garbage can explosion, we are still waiting analysis. There are none or creditable ties to terrorism. Wishing all a great Thanksgiving.

**Motion to open Public Comment: A. Bille**

**Second: F. Caputo**

Frank Pecci, 11 Hemlock- Ordinance 2016-28, concerned about street vacations. Concerns Ordinance 2016-269 water and sewer usage. Are we increasing price again? Ordinance 2016-32, 50 year easement is too long. Asked for explanation on 2016-381. Who are we leasing a vehicle for? Questioning the cost of Project Playground, and what will be done to prevent the destruction. Resolution 2016-386 and the salary.

J. Novak- Gave explanations on Mr. Peccei's concerns and questions about the right ways. The leased vehicle is leased for the Administration Department.

S. McCabe- Addressed the easement.

A.Bille- Talked about the playgrounds and the process.

M. Lisella- Addressed the water sewer increasing why the cost is going up each year.

J. Dasti – Explained the study and recommendation on water and sewer charges.

Matt Robidoux-, 108 Ravenwood Blvd. –Congratulations to the Committee members. Wanted an update on snow equipment along with salt and brine. Looking for salt quantities. Are there any road paving projects coming up next year?

A.Ciirulli- Mr. Ball is on top of the preparation. Salt comes in as needed and we are in good shape. He will find out how much salt we have for you.

Jake Taylor, 106 Newark Rd. - Questioning the Acting Chief and salary. Why are we leasing a vehicle what is the cost? Discussed Mr. Novak and Mrs. McCabe insurance cost the town.

J. Novak- We can tell you the cost, and Mr. Breedens vehicle is being used for another department.

Vince Green, 89 Sandpiper Road- What is the Chief status.

J. Novak- The Ocean County prosecutor's office is just about done with their investigation and it will be in Barnegat's hands.

Marianne Clemente, 565 E. Bay Ave. - Congratulations to Al Bille and Al Cirulli. Why was the November 1<sup>st</sup> meeting cancelled? Questioned the reasons for the cancellation. Discussed the easement, and why didn't they go with less years. Asked about the budget and is the analysis available for the public.

A.Bille- There was legal issues that Mr. Dasti was still working on. We are not going to have a meeting if we are not prepared.

J. Dasti- Gave explanation on legal reasons and on situations that needed to be addressed tonight.

A.Cirulli- Stated Mrs. Clemente made this political. Addressed the fact that he will be running next year.

J. Novak- We have not voted on the 50 year easement yet. He would like to see it less than 50 years.

Michelle Woodruff, 5 Ann Court- Questioning the rubber mulch that was ordered for the Playground, is it fire resistant.

F. Caputo- Will check with John Cowie to get an answer for that for you.

Arthur Robidoux, 108 Ravenwood Blvd. - Is it a requirement or law that a municipality have a Police Chief. Can a ranking officer hold this title? Can a non-police officer hold this title?

J. Dasti- It would need to be a Public Safety Director, if it was held by a civilian.

J. Novak- We will not be replacing a Captain and not paying Captain Dugan as much as Mr. Drexler was making. It's still a significant savings for the town.

Jesse Abraham, 44 Deer Run Dr. S. - Asking about the Verizon representative being here. Will the Captain position be back filled in the future? Asked about original cost of Project Playground.

S. McCabe- Doesn't think he will be offering anything else.

A.Cirulli- Gave explanation on restricting and changing things.

A.Bille- Ordering in September gave us a 40% cost savings on equipment.

Sheldon Lynch, 79 Nautilus Dr. - Why isn't the township negotiating with Verizon?

J. Novak- Gave explanation of what Mr. Lynch has missed at the meeting in regards to Verizon.

**Motion to close Public comment:** F. Caputo

**Second:** S. McCabe

Frank Pecci- Point of order,

## 8. Old Business

### **Ordinance 2016-28 (Second Reading)**

An Ordinance providing for the Vacation of a portion of certain Right-of-ways and paper streets located within Barnegat Township (Burns Place)

**Motion to Open Public Comment:** A. Bille

**Second:** F. Caputo

**Motion to Close Public comment:** A. Bille

**Second:** A. Cirulli

**Motion to adopt ordinance:** A. Bille

**Second:** A. Cirulli

**Roll Call:** Caputo: Yes      Cirulli: Yes      McCabe: Yes  
Bille: Yes      Novak: Yes

## 9. New Business

Approval of the Regular Committee Meeting Minutes for October 4, 2016

**Motion to approve minutes:** A. Bille

**Second:** A. Cirulli

**Roll Call:** Caputo: Yes      Cirulli: Yes      McCabe: Yes  
Bille: Yes      Novak: Yes

### **Ordinance 2016-29 (First Reading)**

An Ordinance amending and supplementing Chapter 74, Article II of the Township Code entitled "Water/Sewer Utility"; Section 14 entitled "User Charges"

**Motion to introduce ordinance:** A. Bille

**Second:** A. Cirulli

**Roll Call:** Caputo: Yes      Cirulli: Yes      McCabe: Yes  
Bille: Yes      Novak: Yes

### **Ordinance 2016-30 (First Reading)**

An Ordinance amending and supplementing Chapter 74, Article I of the Township Code entitled "Sewer Use Rules and Regulations"; Section 7 entitled "Sewer Use Charges"

**Motion to introduce ordinance:** A. Cirulli

**Second:** A. Bille

**Roll Call:** Caputo: Yes      Cirulli: Yes      McCabe: Yes  
Bille: Yes      Novak: Yes

### **Ordinance 2016-31 (First Reading)**

An Ordinance authorizing acquisition of vacant property known and designated as Block 47 Lot 11.02, 9 Prince Road for no consideration

**Motion to introduce ordinance: A. Cirulli   Second: A. Bille**  
**Roll Call:**         Caputo: Yes             Cirulli: Yes     McCabe: Yes  
                           Bille: Yes                             Novak: Yes

**Ordinance 2016-32                    (First Reading)**

An Ordinance regulating the statutory authority of Verizon New Jersey, Inc., its successors and assigns to renew a 50 year easement agreement

**Motion to introduce ordinance: A. Bille   Second: A. Cirulli**

**Motion to Discuss: A. Bille   Second: A. Cirulli**

McCabe- Agrees with public a 50 year easement is wrong. Would like Verizon to revisit this issue. Thinks the easement should be lowered to 7 or 8 years.

F. Caputo- Feels the easement should be 25 years.

A.Bille- the understanding is other alternatives will be coming to town, feels the easement should be 5 years.

A.Cirulli- Agrees lowering it to a most of 25 or minimum of 7 years.

J. Novak- Feels it's not fair to the Governing Body in the future to be stuck with our decision.

**Motion to Amend to five (5) years: A. Bille     Second: S. McCabe**

**Roll Call:**             Caputo: Abstain     Cirulli: Yes     McCabe: Yes  
                           Bille: Yes                             Novak: Yes

**Ordinance 2016-33                    (First Reading)**

An Ordinance authorizing the sale of property known and designated as 12 Highland Drive, aka Block 97 Lot 8 of the Township

**Motion to introduce ordinance: A. Bille   Second: A. Cirulli**

**Roll Call:**         Caputo: Yes             Cirulli: Yes     McCabe: Yes  
                           Bille: Yes                             Novak: Yes

**10. Formal Action Agenda**

**Resolution 2016-380**

Resolution authorizing payment of Bill List in the amount of \$6,896,295.71

**Motion to adopt resolution: A. Bille   Second: A. Cirulli**

**Roll Call:**         Caputo: Yes             Cirulli: Yes     McCabe: Yes  
                           Bille: Yes                             Novak: Yes

**Resolution 2016-381**

Resolution authorizing transfers within the 2016 Municipal Budget, Current Fund and Water Sewer Utility Fund

**Motion to adopt resolution: A. Cirulli**

**Second: A. Bille**

**Roll Call:** Caputo: Yes      Cirulli: Yes    McCabe: Yes  
                  Bille: Yes            Novak: Yes

**Resolution 2016-382**

Resolution cancelling unfunded balances of Bond Ordinances

**Motion to adopt resolution: A. Cirulli**

**Second: A. Bille**

**Roll Call:** Caputo: Yes      Cirulli: Yes    McCabe: Yes  
                  Bille: Yes            Novak: Yes

F. Caputo- Asked for Clarification from Mayor Novak.

J. Novak- Gave explanation.

**Resolution 2016-383**

Resolution requesting a Chapter 159 be added to the 2016 budget for Ocean County Recycling Program in the amount of \$3,330.59

**Motion to adopt resolution: A. Bille**

**Second: A. Cirulli**

**Roll Call:** Caputo: Yes      Cirulli: Yes    McCabe: Yes  
                  Bille: Yes            Novak: Yes

**Resolution 2016-384**

Resolution requesting a Chapter 159 be added to the 2016 budget for State Body Armor Replacement Fund Program in the amount of \$4,349.53

**Motion to adopt resolution: A. Cirulli**

**Second: A. Bille**

**Roll Call:** Caputo: Yes      Cirulli: Yes    McCabe: Yes  
                  Bille: Yes            Novak: Yes

**Resolution 2016-385**

Resolution requesting a Chapter 159 be added to the 2016 budget for NJOEM 966 Fund Program in the amount of \$18,308.00

**Motion to adopt resolution: A. Bille**

**Second: A. Cirulli**

**Roll Call:** Caputo: Yes      Cirulli: Yes    McCabe: Yes  
                  Bille: Yes            Novak: Yes

**Resolution 2016-386**

Resolution appointing Captain Richard Dugan as Acting Chief of Police

**Motion to adopt resolution: F. Caputo**

**Second: A. Bille**

**Roll Call:** Caputo: Yes      Cirulli: Yes    McCabe: Yes  
                  Bille: Yes            Novak: Yes

A. Cirulli- The Township will be in excellent hands, outstanding man.  
S. McCabe- He is above and beyond and we are grateful for his efforts.  
J. Novak- Captain Dugan has risen through the ranks and has respect of his men and women. Financially Mr. Novak thanks him, due to contract he is entitled to out of title pay and has agreed to waive all the money, out of compassion for this community.

## **11. Consent Agenda:**

The below listed items are considered to be routine by the Township of Barnegat and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

Approval of Louis Lobue, Kendra Carpenter, Amanda Rodriguez and Kayleigh Algaze as members of the Volunteer First Aid Squad

Approval for on premise 50/50 to be held November 5, 2016 by Courage from Kyle, Inc.

Approval for gift auction to be held November 12, 2016 by Courage from Kyle, Inc.

Approval for 50/50 to be held on December 2, 2016 by Barnegat Sports Boosters, Inc.

Approval for gift auction to be held on December 2, 2016 by Barnegat Sports Boosters, Inc.

Approval for calendar raffle to be held on the first Wednesday of each month 2017 by St. Mary's Church

Approval for Heritage Point Women's Group to hold on premise 50/50 December 12, 2016

### **Resolution 2016-387**

Resolution rescinding Resolution 2016-360A in its entirety, resolution not needed

### **Resolution 2016-388**

Resolution authorizing a refund of premiums paid at tax sale on various Blocks and Lots

### **Resolution 2016-389**

Resolution authorizing the Tax Collector to credit an erroneously billed Water Sewer Utility account for Block 95.55 Lot 28, 5 Tidlands Place

### **Resolution 2016-390**

Resolution authorizing the Collector to refund Water Sewer Utility overpayment on account for Block 115.11 Lot 52, 103 Robin Lane

**Resolution 2016-391**

Resolution authorizing the Tax Collector to refund overpayment of property tax, and to list property as exempt due to municipal ownership, Block 237 Lot 6, 91 Bayview Boulevard

**Resolution 2016-392**

Resolution authorizing the Tax Collector to cancel a municipal tax sale certificate due to municipal acquisition of property known as Block 258 Lot 37, 613 E. Bay Avenue

**Resolution 2016-393**

Resolution authorizing the Collector to refund Water Sewer Utility overpayment on Block 92.118 Lot 21, 47 South Point Boulevard

**Resolution 2016-394**

Resolution of the Township of Barnegat to authorize reimbursement for cancellation of Recreation program classes

**Resolution 2016-395**

Resolution authorizing a lien be placed on certain properties for failure to comply with Obnoxious Growth violations

**Resolution 2016-396**

Resolution authorizing disposal of surplus property by auction at the Govdeals.com website

**Resolution 2016-397**

Resolution denying the release of a performance bond for property known and designated as Block 250, Lot 15, 396 N. Main Street, applicant Frank Kearney

**Resolution 2016-398**

Resolution authorizing execution of release documents and settlement agreement to resolve outstanding grievance filed by former employee Judith Bryant

**Resolution 2016-399**

Resolution authorizing execution of release documents and settlement agreement to resolve outstanding grievance filed by former employee Donna Walther

**Resolution 2016-400**

Resolution authorizing the Mayor to sign an extension to Community Development Block Grant Cooperative Agreement (CDBG) with the County of Ocean

**Resolution 2016-401**

Resolution authorizing the execution of a Shared Services Agreement with Ocean County Police Services for the Ocean County Prosecutor's Program known as "Driving While Intoxicated Enforcement Program" (DWIEP)



**Resolution 2016-402**

Resolution authorizing the execution of a Shared Services Agreement with Ocean County Police Services for the Ocean County Prosecutor’s Program known as “Drug Recognition Expert Call Out Program” (DRECP)

**Resolution 2016-403**

Resolution authorizing a lease agreement for a Township vehicle

**Resolution 2016-404**

Resolution authorizing the purchase of playground equipment for Project Playground through the N.J.P.A. Cooperative Pricing System from Liberty Parks & Playgrounds, Inc. in the amount of \$271,575.34

**Resolution 2016-405**

Resolution authorizing an agreement with Primepoint, LLC for Affordable Care Act (ACA) reporting services in the amount of \$3,816.00

**Resolution 2016-406**

Resolution authorizing a sub recipient agreement with NJ Department of Community Affairs for Community Development Block Grant-Disaster Recovery (CDBG-DR) Funds in the amount of \$56,305.00

**Resolution 2016-407**

Resolution authorizing a medical leave of absence for Linda Bernal

**Resolution 2016-408**

Resolution approving a proposed settlement agreement with Fair Share Housing Center thereby resolving litigation venued in the Superior Court of New Jersey

**Resolution 2016-409**

Resolution authorizing a release of road opening bond for R. Stone and Company, Block 174.02 Lot 33.03, Model Home 18 Memorial Drive

**Resolution 2016-410**

Resolution accepting responsibility for street lighting within the Whispering Hills Phase 2 development

**Motion to Adopt Consent Agenda: F. Caputo                      Second: A. Bille**

**Roll Call:**     Caputo: Yes                      Cirulli: Yes     McCabe: Yes  
                      Bille: Yes                                      Novak: Yes

**12. Discussion items by the Township Committee:**

**F. Caputo-** Feels he it has been a productive year. To each and every one and his colleagues he wishes everyone a Happy Thanksgiving.

**Resolution 2016-411**

Resolution authorizing the Township Committee to retire into closed session for the purpose of discussing personnel, contractual or litigation matters

**Motion to adopt resolution: A. Bille**                      **Second: A. Cirulli**  
**Roll Call:**    Caputo: Yes                      Cirulli: Yes    McCabe: Yes  
                    Bille: Yes                                      Novak: Yes:

**13. Motion to Adjourn: A. Bille**                                      **Second: F. Caputo**  
**Motion carried**

I hereby certify that the foregoing minutes were formally approved by the  
Barnegat Township Committee:

\_\_\_\_\_  
Municipal Clerk