

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

**TOWNSHIP COMMITTEE MEETING MINIUTES  
MAY 1, 2018, 10:00 A.M.**

**Call to Order the May 1, 2018 Township Committee Meeting:**

**Pledge of Allegiance:**

**Invocation: by Pastor Santiago, United Faith Church**

**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 more than 48 hours in advance: By publication of the date, time and location of this meeting in two official newspapers, and by posting advance written notice on the official bulletin board, and in the office of the Municipal Clerk for the purpose of public inspection.

**Roll Call of Officials:**

Committeeman Lopes - Present  
Committeeman Novak - Present  
Committeeman Bille - Present  
Deputy Mayor Cirulli - Present  
Mayor Caputo - Present

**Committee Reports:**

J. Novak- Discussed land use and how to come up with a way to make things more efficient.

A. Bille- Discussed the concerts at the dock, the parks have been visited and reported any issues and are now ready.

J. Lopes-Barnegat Men's softball league has begun if anyone is interested.

A. Cirulli- Head Start crosswalk has been completed, working with engineers and Waretown to find out who is responsible for Pebble Beach dredging. Now we are looking into the responsibility for the sediment coming up on 11<sup>th</sup> Street, and looks like the county is going to take the responsibility of it.

**Mayor's Report:**

**Frank Caputo**

June 12<sup>th</sup> we would like to present the volunteers with a plaque and recognize the people from; Fire Department, First Aid and the Food Pantry. Also discussed the Memorial Day ceremony and parade. Gave police and fire statistics and

talked about the Fire Wise communities. Talked about the progress of Barnegat 67and Grand opening of Whispering Hills. Gave thanks to Al Cirulli, Al Bille and Tom Lombarski for their participation with Arbor Day. Gave a reminder that Barnegat supports Paint the Town Pink.

**Proclamation: Police Officer’s Week and Library Week**

**Resolution 2018 – 152A**

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. Bile**

**Second: A. Cirulli**

**Roll Call:** Committeeman Lopes: Yes

Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

**PUBLIC SESSION COMMENT:**

Please feel free to speak to the Township Committee during public session. The Barnegat Township Committee appreciates and welcomes public comment, advice and suggestions, especially when it is intended to assist the Committee. Comments and discussion will be limited to a five (5) minute period per individual unless requested by the Mayor to continue on a point of clarification. Each participant must be recognized by the Mayor and must preface their comments by a clear announcement of their name, address and, group affiliation if appropriate. Your anticipated courtesy to the members of the public and the committee is greatly appreciated.

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

**Second: A. Cirulli**

Jake Taylor- Question the \$140, 000 Township Committee Health Benefits, Susan McCabe’s contract, Resolution 2018-171 and Resolution 2018-172.

M. Lisella- Responded about the health benefits, at that time the committee was eligible for benefits, and now that we went with the State benefits the committee is no longer eligible.

Gave an explanation on how the professionals write their own contracts through the RFP process.

J. Novak- Gave explanation about the Resolution 2018-172 and how an attorney appears for Brian Distefano and needs to be named on the contract. There is no additional compensation.

T. Lombarski- Gave explanation on Resolution 2018-171 and how this grant works.

Frank Pecci, 11 Hemlock Dr. - Questioned Resolution 2018-15, Judges ordered to build at no cost to the Township, concerned the town will have to bond.

Al Cirulli- This is what the state mandated for the town.

J. Dasti- Discussed the Affordable Housing Obligation and other towns. Gave explanation why we are resolving this tonight.

S. Kean- Discussed the history of the Affordable Housing Obligation and it's a state mandate.

John Murrin, 38 Pierhead Dr. - Complimented on the hiring of the Police Chief and the money saved with the police cars. Brought up the 2 year waiting period on professional appointments for committee members. Agrees with joint services for health benefits. Gave thanks to the attorneys on the explanation on affordable housing.

F. Caputo- Agreed with the waiting period for Committee members having a professional appointment.

Phil Checcia, 12 Windward Dr.- Asked about Mrs. McCabe's contract. Asked about public file. Asked John Novak why he left the State Police. He doesn't feel we need a Labor Attorney to negotiate. Is there a public file with Mrs. McCabe contract.

S. Kean- She was not a township employee when she submitted the contract. Attorneys do not need to be publicly bid, but the town did make it a public bid. In regards to Mrs. McCabe's contract you can submit an OPRA request to get a copy it.

J. Novak- Gave explanation on his background and why he left the State Police.

<b>Motion to Close Public Session: A. Bille</b>		<b>Second: A. Cirulli</b>
Roll call:	Committeeman Lopes: Yes	Committeeman Novak: Yes
	Committeeman Bille: Yes	
	Deputy Mayor Cirulli: Yes	Mayor Caputo: Yes

**Old Business:**

**Ordinance 2018 – 13 (Second Reading)**

An Ordinance amending and supplementing Chapter 44A of the Township General Code entitled "Fees, Miscellaneous" specifically Chapter 44A-3 Tax Collector's Office in order to add tax sale notice mailing fee

**ORDINANCE 2018 - 13**  
**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE**  
**TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE**  
**OF NEW JERSEY AMENDING AND SUPPLEMENTING**  
**CHAPTER 44A OF THE TOWNSHIP CODE ENTITLED**  
**"FEES, MISCELLANEOUS" SPECIFICALLY CHAPTER**  
**44A-3 TAX COLLECTOR'S OFFICE**

**NOW, THEREFORE, BE IT ORDAINED BY the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:**

**SECTION 1.** The Township hereby modifies and supplements Chapter 44A of the Township Code entitled “Fees, Miscellaneous” as follows:

**44A-3 Tax Collector’s Office**

To add new:

J. Fee permitted for Online Tax Sale Notice to property owner, twenty-five dollars (\$25.00) per mailing added to the cost of sale (maximum of two (2) In Lieu mailings)

**SECTION 2.** The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

**SECTION 3.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 4.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5.** This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

**Motion to Open Public Comment: J. Novak**  
**Motion to Close Public Comment: J. Novak**

**Second: A. Bille**  
**Second: A. Cirulli**

**Motion to adopt ordinance: J. Lopes**  
Roll call: Committeeman Lopes: Yes  
Committeeman Bille: Yes  
Deputy Mayor Cirulli: Yes

**Second: A. Cirulli**  
Committeeman Novak: Yes  
Mayor Caputo: Yes

**Ordinance 2018 – 14 (Second Reading) \*\*TABLED**

An Ordinance creating new Chapter in the Township General Code in order to create a permit process to facilitate and regulate entertainment industry work performed in the Township i.e. filming and broadcasting projects within the Township

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

**Second: A. Cirulli**

Phil Checcia, 12 Windward Dr.- It’s a hindrance of the First Amendment.

Al Bille- Reference Senate bill 122- regulating filming in the state, and how he is making a motion to table this ordinance until they can get further information.

F. Caputo- Gave his opinion, and is concerned about Barnegat.

S. Kean- Gave an explanation and assures public safety.

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

**Second: A. Cirulli**

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

**Second: J. Novak**

**Roll call:** Committeeman Lopes: Yes      Committeeman Novak: Yes  
                    Committeeman Bille: Yes  
                    Deputy Mayor Cirulli: Yes      Mayor Caputo: Yes

**Formal Action:**

**Resolution 2018 – 153**

Resolution authorizing payment of Bill List in the amount of \$6,950,740.32

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

Committeeman Lopes: Yes  
                    Committeeman Bille: Yes  
                    Deputy Mayor Cirulli: Yes

**Second: A. Cirulli**

**Committeeman Novak: Yes**  
**Abstain: Vendor 00118, 02400 &00148**  
Mayor Caputo: Yes

**Resolution 2018 – 154**

Resolution requesting a Chapter 159, special item of revenue, be added to the 2018 budget for the *2018 Distracted Driving Crackdown* in the amount of \$6,600.00

**Motion to adopt resolution: J. Novak**

**Roll call:** Committeeman Lopes: Yes  
                    Committeeman Bille: Yes  
                    Deputy Mayor Cirulli: Yes

**Second: A. Bille**

Committeeman Novak: Yes  
Mayor Caputo: Yes

**New Business:**

**Approval of the minutes from the April 3, 2018 meeting**

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

**Roll call:** Committeeman Lopes: Yes  
                    Committeeman Bille: Yes  
                    Deputy Mayor Cirulli: Yes

**Second: A. Cirulli**

Committeeman Novak: Yes  
Mayor Caputo: Yes

**Ordinance 2018 – 15 (First Reading)**

Introduction and first reading of Ordinance 2018-15, which was read by title only as follows:

AN ORDINANCE TO IMPLEMENT THE TOWNSHIP'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE TOWNSHIP AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C 5:96 AND 5:97, 221 N.J. 1 (2015), THE NJ FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NJ COUNCIL ON AFFORDABLE HOUSING

Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on June 12, 2018 or as soon thereafter the matter may be reached.

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

**Second: A. Cirulli**



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

**Roll call:** Committeeman Lopes: Yes  
Committeeman Bille: Yes  
Deputy Mayor Cirulli: Yes

**Second: A. Cirulli**

Committeeman Novak: Yes  
Mayor Caputo: Yes

**Ordinance 2018 – 19 (First Reading)**

Introduction and first reading of Ordinance 2018-19, which was read by title only as follows:

AN ORDINANCE APPROVING THE SWEET JENNY'S REDEVELOPMENT PLAN FOR PROPERTY KNOWN AND DESIGNATED AS BLOCK 195 LOTS 5 & 6.01

Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on June 12, 2018 or as soon thereafter the matter may be reached.

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

**Roll call:** Committeeman Lopes: Yes  
Committeeman Bille: Yes  
Deputy Mayor Cirulli: Yes

**Second: A. Cirulli**

Committeeman Novak: Yes  
Mayor Caputo: Yes

**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, the item will be removed from the Consent Agenda and will be considered separately.**

Approval for Heritage Point Women's Group to hold on premise 50/50 on the following dates: 6/1, 6/10, 7/15, 8/12/2018

Approval for the American Legion Post #232 to hold Memorial Day parade on May 28, 2018

**Resolution 2018 – 155**

Resolution authorizing a refund of premiums paid at Tax Sale, various properties

**Resolution 2018 – 156**

Resolution authorizing Tax Collector to refund Homestead Benefit for Totally Disabled Veteran Exemption Block 95.20 Lot 16

**Resolution 2018 – 157**

Resolution authorizing Tax Collector to refund Homestead Benefit for Totally Disabled Veteran Exemption Block 114.32 Lot 8

**Resolution 2018 - 158**

Resolution authorizing Tax Collector to refund Homestead Benefit for Totally Disabled Veteran Exemption Block 92.120 Lot 31

**Resolution 2018 - 159**

Resolution authorizing Tax Collector to refund Homestead Benefit for Totally Disabled Veteran Exemption Block 208.03 Lot 191

**Resolution 2018 – 160**

Resolution authorizing reimbursement for cancellation of recreation program classes

**Resolution 2018 – 161**

Resolution authorizing reimbursement for mailbox damages

**Resolution 2018 – 162**

Resolution authorizing an extension to an unpaid medical leave of absence to Joe Pistone

**Resolution 2018 – 163**

Resolution promoting Heather Bottles as Permanent Part Time personnel to the Tax/Utility Collector's Office

**Resolution 2018 – 164**

Resolution appointing Lifeguards and Instructional staff to the Recreation Department

**Resolution 2018 – 165**

Resolution authorizing an employment separation with Patricia Farrell of the Tax/Utility Collector's Office

**Resolution 2018 – 166**

Resolution authorizing the Municipal Clerk to advertise for one (1) full time Laborer for the Public Works Department

**Resolution 2018 – 167**

Resolution authorizing the Municipal Clerk to advertise for one (1) full time Laborer for the Water & Sewer Department

**Resolution 2018 - 168**

Resolution authorizing the Municipal Clerk to advertise for one (1) full time personnel for the Tax/Utility Collector's Office

**Resolution 2018 - 169**

Resolution authorizing the Municipal Clerk to advertise for one (1) part time personnel for the Tax/Utility Collector's Office

**Resolution 2018 – 170**

Resolution authorizing condo services reimbursements

**Resolution 2018 – 171**

Resolution authorizing the execution of the Emergency Management Agency Assistance (EMAA) Grant in the total amount of \$20,000.00



**Resolution 2018 – 172**

Resolution amending professional appointment made on Resolution 2018 -21

**Resolution 2018 – 173**

Resolution authorizing the QPA to execute a contract with Forked River Diesel for 2018 annual generator service contract in an amount not to exceed \$14,250.00

**Resolution 2018 – 174**

Resolution of intent to appropriate funds or bonds in the event of a funding shortfall regarding the affordable housing program

**Resolution 2018 – 175**

Resolution adopting a Rehabilitation Program Manual regarding affordable housing

**Resolution 2018 – 176**

Resolution adopting an Affordable Housing Spending Plan and requesting a Judicial review and approval of same

**Resolution 2018 – 177**

Resolution adopting an Affirmative Marketing Plan for the Township

**Resolution 2018 – 178**

Resolution endorsing the Housing Element and Fair Share Plan

**Resolution 2018 – 179**

Resolution confirming the Township's participation in the Ocean County's Community Development Block Grant Program to fund housing rehabilitation programs for low and moderate income people

**Resolution 2018 – 180**

Resolution approving request and authorizing a reduction of the Performance Guarantee for the Water System Improvements for Ocean Acres, Phase 9

**Resolution 2018 – 181**

Resolution approving request and authorizing a reduction of the Performance Guarantee for the Sanitary Sewer System Improvements for Ocean Acres, Phase 9

**Resolution 2018 – 182**

Resolution authorizing the partial release of cash bond for correcting drainage complaints on eight lots in the Heritage Point North, Section 7A, Mignatti Companies in accordance with Resolution 2017-390A

**Resolution 2018 – 183**

Resolution authorizing the release of Ten-Year Stormwater Inspection and Maintenance Bond, Block 55 Lot 5.01, Francis Vogelman

**Resolution 2018 – 184**

Resolution approving the request for Performance Guarantee reduction for Site Improvements, Walters Development Co., Whispering Hills Phase 3

**Resolution 2018 – 185**

Resolution opposing Senate Bill 2029 which proposes to revise laws governing assessment of real property

**Resolution 2018 – 186**

Resolution recognizing Municipal Clerk’s Week

**Resolution 2018- 187**

Resolution supporting the Master Gardeners of Ocean Count in recognizing June as Tick Awareness Month

**Resolution 2018 – 188**

Resolution authorizing execution of confidential settlement agreement

**Motion to Adopt Consent Agenda: J. Novak                      Second: A. Bille**

Committeeman Lopes: Yes                      Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes                      Mayor Caputo: Yes

**Items of discussion by the Township Committee Members:**

**No Discussion**

**Motion to Adjourn: A. Bille  
All in Favor**

**Second: A. Cirulli**

**Next scheduled meeting  
June 12, 2018 at 6:30 PM**

**Special Meeting on May 24, 2018  
9:00am**

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

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