

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

**TOWNSHIP COMMITTEE MEETING MINUTES  
August 7, 2018, 6:30 P.M**

**Call to Order the August 7, 2018 Township Committee Meeting:**

**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.

**Invocation: by Reverend Dawn Corlew, Waretown United Methodist Church**

**Pledge of Allegiance:**

**Roll Call of Officials:**

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

**Presentation to T & K Marine**

**Al Bille wanted to give them plaque and thank them for the barge donation saving the town \$10,000 a year.**

**Resolution 2018 – 274**

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

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

**Second: A. Bille**

**Roll Call:** Committeeman Lopes: Yes

Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

**Mayor's Report:**

F. Caputo- Gave a police and fire report, along with reminding the public about the WFSC meeting will be at the Mirage Clubhouse. Talked about the great progress with Barnegat 67 project and hoping to be open by the end of the year. Plans for the new Municipal building are moving along. Milling and paving on Barnegat Boulevard is almost completed. Gave thanks to all who participated in Day on the Bay, and gave special thanks to Sherer's Boat Basin.

## **Committee Reports:**

Al Bille- Discussed Barnegat 67 along with confirming that Dunkin Donuts is coming. He also read a letter from Brick Township Mayor complimenting Project Playground. He brought up Ordinance 2018-26. Along with, announcing that on 9/14 there will be an opening ceremony for the use of the old firehouse to be used as a dispatch for Quality Medical.

J. Novak- Discussed court personnel and the appointments for this evening. He gave kudos to all the women who work in court.

Al Cirulli- Discussed all the reviewing they have been doing in regards to the new Municipal building. Talked about how well neighborhood watch is doing.

### **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. Cirulli**

**Second: J. Novak**

Jim Rostron, 43 K. Cambridge Ct. Lakewood, (Homeowner of several houses in Barnegat) Stated how he tries to put good tenants in his houses. He is concerned about Ordinance 2018-25.

Vincent Genna, 5 Liberty Court- Discussed R&D Transportation Company on how they are blocking drive ways and parking in residential area's creating public hazards. This is a nuisance in our area. He also asked about how to handle trash being blown around and excessive dog barking.

Victor & MaryAnn Passiatore- 7 Liberty Court- The owner of R & D lives in the court, his vehicles are parked head on due to no curb space, and their vehicles are parked in the backyard.

F. Caputo- There are codes in regards to commercial parking and residential parking. He asked Mr. Passiatore to bring this issue to the clerk's office, so we can follow up on the issue and try to get some rectification.

Al Cirulli- Concerned he has not heard anything about this issue. He asked for some clarification and asked for Mr. Genna to stop by town hall so that we can discuss with Code Enforcement.

Steve Pitiak, 700 Fairview Lane Forked River- Discussed concerns about Route 72 mining. He has been monitoring the land, and can't find out who owns the property. There is no mining permit, and is stating that there is dumping going on. Mr. Pitiak Questioned the property being exempt. He explained how he has photos of things that are happening.

F. Caputo- Asked Mr. Pitiak if he did check with DEP and Pinelands. He asked Mr. Pitiak if he can get us additional information about the materials coming and going off the property.

M. Lisella- John Durasky has been informed and this is out of the scope of the town. This is Pinelands and NJDEP. It was up to Mr. Pitiak if he wanted to reach out to the DEP. Mr. Durasky saw no violations; there was nothing to investigate at the time.

J. Hess- There are no active mining permits on that site. You would need to go down a private road. You would see nothing from the street.

S. Kean- There are certain activities that fall out of the scope of the township. An option for town to consider is to send out a letter to the DEP questioning activities taking place on the property.

J. Novak- I have represented various parties against Mr. Pitiak, L&J is a company Mr. Pitiak is suing. For the record Mr. Novak stated he doesn't represent L&J in regards to anything with this property.

Phil Checcia, 12 Windward Dr.- Is concerned that he sees sludge in the photos, he thinks someone should call the EPA about it.

Laura Zinger, 14 Beacon Drive- Discussed how she feels the committee does listen, and follows through. She gave thanks to Al Cirulli for all his help with the neighborhood watch. August 26<sup>th</sup> there will be a gathering at Georgetown Park. Mrs. Zinger addressed the Liberty Court residents about getting involved and asked about Project Playgrounds drainage problem.

Al Cirulli- Acknowledged that Laura spends a lot of time with the residents, and it wouldn't work with out her.

Al Bille- The drainage issue under the slide has been addressed. We are still watching to see. Al is trying to see if he can get an ice cream truck over to the Georgetown Park.

John Murrin, 38 Pierhead Dr.- Discussed Ordinance 2018-26, and feels it's very important. He also gave thanks to all involved with paving Barnegat Boulevard.

Ray Leszczak, 116 Redwood Dr.- Asked about Ordinance 2018-24 and the notification of 90 days on an application. He is concerned that the parks don't get notification in a timely manner. He asked about the verbiage in 64-10 on the appeals.

Al Bille- It has to be enforced that the parks be notified with in the time span.

F. Caputo- Asked Counsel to give clarification.

S. Kean- Explained how the board will be set up along with process. He explained that verbiage to Mr. Leszczak, and explained the goal of the language is to show there are no expenses on the town.

J. Novak- Asked about the 90 days and making some changes. Suggested we amend the 90 days to start upon notice.

Daniel Day, 200 Edison R.- Asked about what times the meetings should air on the T.V channel, along with how high the grass needs to be before the town will cut it.

M. Rivers- Tonight's meeting will air within 24 hours.

F. Caputo- Code Enforcement needs to be notified about grass for a process to be started of informing the owner, before the town cuts the grass.

Marianne Clemente, 565 E. Bay Ave.- Stated it is good to hear that the committee is listening to folks. She would like for you to listen to the outrage residents had when you changed the time of the meeting.

F. Caputo- He did agree with keeping them at night, but others wanted to try holding meetings during the morning.

Al Bille- Stated there are about 30-40 people attending the morning meetings.

Frank Troia, 117 Redwood Dr.- Will the township intervene on any health and safety issues in the parks.

F. Caputo- Nothing will change in regards to health and safety concerns. He asked counsel to answer.

S. Kean- Yes, the township will intervene and it will all stay the same.

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

**Second: J. Novak**

**Old Business:**

**Ordinance 2018 – 24 (Second Reading)**

An Ordinance amending Chapter 64 of the Township Code regarding Rent Leveling Board

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

**Second: A. Bille**

Lori Greenberg Esq. 1 Eves Dr. – Is concerned about the board set up. Asks to table this ordinance, and sit with town council and residents. She recommends a lease with tenants. Feels a solution should be crafted among the parties.

J. Novak- What in the ordinance would preclude you from meeting with the residents and working it out with the residents.

Al. Bille- 2006 ordinance states you are entitled up to 3.5% COLA increase. Asked about the lease they have in place now. Discussed his meeting with Mr. Leszczak and trying to start with a mechanism.

F. Caputo- We are trying to have the best interest of all parties in mind.

Theresa Graham, 109 Redwood Dr.- If the COLA is in the books, why aren't they getting it?

Michelle Woodruff, 5 Ann Court- If COLA is the same as CPI, Hometown has gotten it cause it's in the ordinance. CPI has never been challenged. Why hasn't a lease been drafted before with the residents?

Ray Leszczak, 116 Redwood Dr.- When were you ever denied a COLA increase.

Lori Greenberg- The residents didn't want the CPI increase, and fought it due to reduction in maintenance.

Rich Edelman, 131 Cypress Lane- It was sprung on us with the Ordinance changes. Talked about how they spent a lot of time putting something together and it wasn't even considered.

Diane Schlagel, 32 Kimberly Drive- Discussed the things that Brighton advertised in the community that are not there. She talked about the septic system failure and how it was unfair for the residents to pay. The Chair person on the board should have the right to vote.

Al Bille- Unfortunately the fifth person to vote didn't work. When he did vote, after doing his homework, he was chastised and verbally beat up. You have choices and smart people in your community. You have to try to come up to with a solution with two and two.

**Motion to Close Public Session: J. Novak**

**Second: J. Lopes**

Discussion on Ordinance 2018-25

Al Cirulli- Talked about his concerns.

Al Bille- Referenced the 2006 ordinance.

F. Caputo- Asked if any committee member has any other comment.

J. Novak- Has withdrawn his motion to adopt as amended.

S. Sean- Does someone want to make a motion to carry?

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

**Second: J. Novak**

**Roll Call:** Committeeman Lopes: Yes

Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

**Ordinance 2018 – 25 (Second Reading)**

An Ordinance creating new Chapter 60A to establish regulations and prescribe penalties for excessive consumption of municipal services

**Motion to Close Public Session: Second:**  
**Motion to Close Public Session: Second:**

**Motion to carry ordinance: A. Bille Second: A. Cirulli**  
**Roll Call:** Committeeman Lopes: Yes Committeeman Novak: Yes  
Committeeman Bille: Yes  
Deputy Mayor Cirulli: Yes Mayor Caputo: Yes

**Formal Action:**

**Resolution 2018 – 246**

Resolution authorizing payment of Bill List in the amount of \$7,319,808.01

**Motion to adopt resolution: A. Cirulli Second: J. Novak**  
**Roll Call:** Committeeman Lopes: Yes Abstain 0099, 02589  
Committeeman Novak: Yes Abstain 0048,2400,00148  
Committeeman Bille: Yes Abstain 0026  
Deputy Mayor Cirulli: Yes Mayor Caputo: Yes

**New Business:**

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

**Motion to adopt minutes: A. Bille Second: A. Cirulli**  
**Roll Call:** Committeeman Lopes: Yes Committeeman Novak: Yes  
Committeeman Bille: Yes  
Deputy Mayor Cirulli: Yes Mayor Caputo: Yes

**Ordinance 2018 - 26 (First Reading)**

*Introduction and first reading of Ordinance 2018-26 which was read by title only, as follows:*

AN ORDINANCE OF THE TOWNSHIP AMENDING AND SUPPLEMENTING  
CHAPTER 12C, ENTITLED "OFFICERS AND EMPLOYEES" TO AMEND  
SECTION 12C-7 ENTITLED "TOWNSHIP COMMITTEE"

EX: restricts payments to, and employment eligibility of committee members

*Was introduced and passed on first reading and will be further considered for final passage, after public hearing to be held on September 4, 2018 or as soon thereafter the matter may be reached.*

**Motion to introduce ordinance: J. Novak Second: A. Bille**  
**Roll Call:** Committeeman Lopes: Yes Committeeman Novak: Yes  
Committeeman Bille: Yes  
Deputy Mayor Cirulli: Yes Mayor Caputo: Yes

**Ordinance 2018 - 27 (First Reading)**

*Introduction and first reading of Ordinance 2018-27 which was read by title only, as follows:*

AN ORDINANCE OF THE TOWNSHIP AMENDING AND SUPPLEMENTING CHAPTER 15, ENTITLED "POLICE DEPARTMENT" TO AMEND SECTION 15-9 "RULES & REGULATIONS"

EX: to delete in its entirety Chapter 6 of the Rules & Regulations "Promotional Requirements"

*Was introduced and passed on first reading and will be further considered for final passage, after public hearing to be held on September 4, 2018 or as soon thereafter the matter may be reached.*

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

**Second: J. Novak**

**Roll Call:** Committeeman Lopes: Yes

Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: 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 Mariner's Lodge to hold Calendar Raffle for 2019

Approval for Barnegat First Aid Squad to hold on premise 50/50 September 8, 2018

Approval for residents of Freedom Hills Drive to hold Block Party September 2, 2018 (rain date Sept. 3, 2018)

Approval for residents of Deer Run Drive North to hold Block Party on September 1, 2018 (rain date Sept. 2, 2018)

Approval for residents of Chance Drive to hold Block Party on September 1, 2018

**Resolution 2018 – 247**

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

**Resolution 2018 – 248**

Resolution authorizing the issuance of a duplicate Tax Sale Certificate pursuant to N.J.S.A 54:5-52.1; Block 95 Lot 2.01

**Resolution 2018 – 249**

Resolution authorizing reimbursement of duplicate permit fee

**Resolution 2018 – 250**

Resolution authorizing a rate increase for Lifeguards

**Resolution 2018 – 251**

Resolution authorizing the Municipal Clerk to advertise for Full Time Deputy Court Administrator position

**Resolution 2018 – 252**

Resolution authorizing the Municipal Clerk to advertise for Full Time Confidential Aide to the Chief of Police

**Resolution 2018 – 253**

Resolution appointing Lauren Romano as Interim Court Administrator

**Resolution 2018 – 254**

Resolution appointing Heather Bottles as Full Time Senior Tax Clerk

**Resolution 2018 – 255**

Resolution appointing John Kozak, III as Full Time Laborer with the Public Works Department

**Resolution 2018 – 256**

Resolution appointing Martin Tellekamp as part time as needed Plumbing Inspector

**Resolution 2018 – 257**

Resolution appointing Marianne Carricarte as Temporary part time personnel in the Municipal Court

**Resolution 2018 – 258**

Resolution appointing Joanne Gelato as part time Court Recorder for the Municipal Court

**Resolution 2018 – 259**

Resolution authorizing a medical leave of absence to Marge Vitale

**Resolution 2018 – 260**

Resolution authorizing the online auction of surplus property

**Resolution 2018 – 261**

Resolution authorizing execution of an Amended Schedule “C” Agreement with the County of Ocean

**Resolution 2018 – 262**

Resolution authorizing the Administrator to sign a maintenance agreement with Gramco Business Communications in an amount not to exceed \$1,370.00

**Resolution 2018 – 263**

Resolution authorizing final payment to Bonk’s Trucking for the First Street Basketball Court project in the amount of \$6,875.00

**Resolution 2018 – 264**

Resolution authorizing the purchase of Rock Salt and Liquid Deicing solution through the Stafford Township Co-op Pricing System #33-OCCP-2018-004 in an amount not to exceed \$65,000.00 annually for twenty-four month contract

**Resolution 2018 – 265**

Resolution authorizing the Municipal Clerk to advertise for Bids for the Recreation Center Roof

**Resolution 2018 – 266**

Resolution authorizing the Municipal Clerk to advertise for Bids for a Valve Exerciser/Maintenance Trailer for the Water & Sewer Department

**Resolution 2018 – 267**

Resolution denying the request for release of Monument Bond for Heritage Point N., Section 3B & 3C

**Resolution 2018 – 268**

Resolution denying the request for release of Monument Bond for Heritage Point N., Section 6A & 6B

**Resolution 2018 - 269**

Resolution denying the request for release of Monument Bond for Heritage Point N., Section 7A

**Resolution 2018 – 270**

Resolution authorizing a lien be placed on various properties for failure to comply with Chapter 36 violations of obnoxious growth

**Resolution 2018 – 271**

Resolution supporting the month of September as Prostate Cancer Awareness month

**Resolution 2018 – 272**

Resolution supporting the lease or sale of the state owned beach house at Island Beach State Park

**Resolution 2018 – 273**

Resolution authorizing an extension to medical leave to Brandon Farrell

**Resolution 2018 – 273A**

Resolution authorizing the Administrator to sign a contract with Environmental Connection, Inc. for Asbestos, Lead and Universal Waste inspection and remediation in preparation for demolition of the Public Works and Municipal buildings in an amount not to exceed \$18,310.00

**Motion to Adopt Consent Agenda: A. Cirulli**

**Second: J. Novak**

**Roll Call:** Committeeman Lopes: Yes      Committeeman Novak: Yes  
Committeeman Bille: Yes      Abstain 2018-267, 2018-268, 2018-269  
Deputy Mayor Cirulli: Yes      Mayor Caputo: Yes

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

- None

**Motion to Adjourn: A. Cirulli  
All in favor**

**Second: J. Novak**

**Next scheduled meeting  
September 4, 2018 at 10:00 A.M.**

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

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