

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

**TOWNSHIP COMMITTEE MEETING MINUTES
May 7, 2019 at 6:30 PM**

Call to Order the May 7, 2019 Township Committee Meeting:

Please silence all cell phones

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 give: by publication of the date, time and location in the official newspapers, and by posting for public inspection on the official bulletin board, and in the office of the Municipal Clerk.

Roll Call of Officials:

Committeeman Bille - Present
Committeewoman Kropf - Present
Committeeman Pipi - Present
Deputy Mayor Novak - Present
Mayor Cirulli - Present

Invocation: by Pastor Dawn Corlew, Waretown United Methodist Church

Pledge of Allegiance:

**Presentation to the family of Roy Bahr
Presentation by Hearts of Mercy**

Committee Reports: Kropf, Pipi, Bille, Novak

L. Kropf- Discussed supporting Paint the Town Pink, Dunfee library dedication, and police week, along with Municipal Clerks week. Water Sewer statistics.

P. Pipi- Gave the monthly code inspection reports.

Al Bille- Discussed the resolutions for the planning board, and the resolution on the draining issue. Barnegat 67 has broken ground of phase 2. Dunkin is still waiting on permit approval. Also mention the new charging station near Wawa, and the dock concerts.

J. Novak- Gave thanks to the Barnegat Police, and discussed their involvement in finding the gentleman who robbed the bank.

Mayor's Report:

Al Cirulli- Talked about Fire Wise, and the State Forest Fire Committee on educating the community. Gave thanks to all that attended the national prayer vigil and the support of Paint the Town Pink .

PUBLIC SESSION COMMENT:

Please feel free to speak to the Township Committee during public session.

Comments and discussion will be limited to a five (5) minute period per individual.

Each speaker must be recognized by the Mayor and clearly announce their name, address and group affiliation.

The Barnegat Township Committee appreciates and welcomes public comment, advice and suggestions intended to assist the Committee.

Your anticipated courtesy to the members of the public and the committee is greatly appreciated.

Motion to Open Public Session: A. Bille

Second: J. Novak

Paul Hulse- 37 Kettle Creek Rd. Toms River- Here representing the Jersey Outlaws, Garvey Boat Races. Asked the committee to reconsider having the races at the dock this summer.

John Murrin, 38 Pierhead Drive- Complimented to police department on finding the bank robber, he also complimented the town in general.

Phil Checcia, 12 Windward Drive- Asked about one of the towns professionals for the Labor Counsel. Also asked how to increase the governing body to 7 people.

M. Lisella- Gave an explanation on Susan McCabe's responsibility as the Labor Counsel and her involvement in the renewal of contracts.

C. Dasti- Gave a more detail in the job description and what is entailed. Explained we would need a charter study and the lengthy process to change the governing body to 7.

Marianne Clement, 565 E. Bay Ave.- Discussed governing at the County level for costs to go down. She also discussed the separation of church and state and her concerns with Mayor Cirulli discussing god.

Al Cirulli- Explained his right as a citizen to express his belief in god.

C. Dasti- As an elected official he has a the right free speech and speak what is in his heart.

Motion to Close Public Session: A. Bille

Second: L. Kropf

Old Business:

Ordinance 2019 – 8 (Second Reading)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 55, ENTITLED "LAND USE", SPECIFICALLY SECTION 322, ENTITLED "GENERAL STORM WATER DRAINAGE REQUIREMENTS" TO INCLUDE NEW SECTION "F", ENTITLED "ROOF DRAINS AND SUMP PUMPS"

Ordinance 2019 – 10 (Second Reading)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 61 OF THE TOWNSHIP GENERAL CODE ENTITLED “SALE OF PUPPIES AND KITTENS”

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Chapter 61 of the Township Code entitled “Sale of Puppies and Kittens” is hereby amended and supplemented as follows:

SECTION 1. Section 61-1 of the Township Code entitled “Definitions” is hereby amended to add the following definitions:

BREEDER –a person who keeps houses or maintains dogs or cats for the purpose of breeding and selling their offspring.

BROKER –a person who transfers dogs or cats for resale by another.

PET DEALER - Any individual or establishment maintaining, owning, or operating an animal facility or engaging in the sale of animals to the public in a store or through the internet, including a breeder, dealer, or pet shop. Pet Dealers may only sell out of their homes if those dogs or cats were also bred and raised on the premises.

RESCUE ORGANIZATION – a not-for-profit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code whose mission and practice is the rescue and rehoming of homeless or abandoned dogs and cats and the placement of those dogs or cats in permanent homes.

SECTION 2. Section 61-2.1 is hereby added to the Ordinance and entitled “Rescue Organization” and shall read as follows:

§61-2.1 Rescue Organization.

An animal rescue organization operating in the Township must be a not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code whose mission and practice is the rescue of homeless or abandoned dogs and cats and the placement of those dogs or cats in permanent homes. An animal rescue organization may not breed dogs or cats, obtain dogs or cats from a breeder or broker in exchange for payment or compensation, or resell dogs or cats obtained from a breeder or broker and provide compensation to such breeder or broker. An animal rescue organization must keep a record of each dog or cat offered for adoption that must include the name and address of the person or entity whom the dog or cat was obtained from. All puppies and kittens offered for adoption by a rescue organization operating within the township must provide proof of spayed or neutered certification by a licensed veterinarian prior to being released for adoption. Such records must be kept on file for two (2) years and made available to the Township, or a representative of the Township, upon request.

SECTION 3. Section 61-3 entitled "Penalties" is hereby added and shall read as follows:

§61-3 Penalties.

Any person violating or failing to comply with any other provision of this article shall, upon conviction thereof, be punishable by a fine not less than \$100 and not more than \$500 by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The combination of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

Motion to Open Public Comment: A. Bille

Second: P. Pipi

Janice Fischer, Manasquan NJ- Friends of animals united NJ. Advocate for pet store victims, and illegitimate rescuers. This person has changed his paperwork, and has been deceitful. The Department of Health and Division of Consumer Affairs are involved. This causes heartache and financial hardships. She asked the committee to pass this ordinance.

Al Cirulli- Mention he spoke to Assemblyman Brian Rumpf, who will back up the town to shut this organization down.

Felicia Jones, 45 Apple Way Marlton- Discussed her situation with adopting from this organization and all the medical issues her dog has. Along with the financial hardship it has put on her due to the extensive medical bills.

Maria Cymanski, Popcorn Park Zoo- Discussed the situation and how the committee and police have been involved and helpful.

Motion to Close Public Comment: A. Bille

Second: P. Pipi

Motion to adopt ordinance: A. Bille

Second: L. Kropf

Roll Call: Committeeman Bille: Yes Committeewoman Kropf: Yes
Committeeman Pipi: Yes
Deputy Mayor Novak: Yes Mayor Cirulli: Yes

Formal Action:

Resolution 2019 – 162

Resolution authorizing payment of Bill List in the amount of \$10,927,448.42

Motion to adopt resolution: A. Bille

Second: J. Novak

Roll Call: Committeeman Bille: Yes
Committeewoman Kropf: Yes Abstain vendor 02191
Committeeman Papi: Yes
Deputy Mayor Novak: Yes Abstain vendor 00118, 02400,
00148 Mayor Cirulli: Yes

Resolution 2019 – 163

Resolution authorizing a Chapter 159 in the amount of \$1,050.00 be inserted in the 2019 Municipal Budget, for the *Ocean County Tourism Grant 2019*

Motion to adopt resolution: A. Bille

Second: P. Papi

Roll Call: Committeeman Bille: Yes Committeewoman Kropf: Yes
Committeeman Papi: Yes
Deputy Mayor Novak: Yes Mayor Cirulli: Yes

New Business:

Approval of the minutes from the April 2, 2019 meeting

Motion to adopt minutes: P. Papi

Second: L. Kropf

Roll Call: Committeeman Bille: Yes Committeewoman Kropf: Yes
Committeeman Papi: Yes
Deputy Mayor Novak: Yes Mayor Cirulli: Yes

Ordinance 2019 – 11 (First Reading)

Introduction and first reading of Ordinance 2019-11, which was read by title only as follows:

AN ORDINANCE AMENDING CHAPTER 68A ENTITLED “TOBACCO PRODUCTS, SALE OF” TO UPDATE THE AGE TO TWENTY-ONE (21)

Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on June 6, 2019 or as soon thereafter the matter may be reached.

Motion to introduce Ordinance: A. Bille

Second: P. Papi

Roll Call: Committeeman Bille: Yes Committeewoman Kropf: Yes
Committeeman Papi: Yes
Deputy Mayor Novak: Yes Mayor Cirulli: 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 American legion Post #232 application for Social Affairs event June 22, 2019

Approval for American Legion Post #232 to hold Gift Auction and on premise 50/50 January 18, 2020

Approval for Heritage Point Women's Group to hold on premise 50/50 June 17, July 14, August 11 and September 14, 2019

Approval for membership to the First Aid Squad for **Brian McCormick, Brittany Melillo and Michael Tompkins**

Resolution 2019 – 164

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

Resolution 2019 – 165

Resolution authorizing the Tax Collector to reimburse lien holder for certificate erroneously sold at tax sale with legal interest Block 116.35 Lot 1; Open Space 68 Ravenwood Boulevard

Resolution 2019 – 166

Resolution authorizing the Tax Collector to refund Homestead Benefit due to totally disabled veteran status Block 93.20 Lot 10; 20 Portland Street

Resolution 2019 – 167

Resolution authorizing the Tax Collector to refund Homestead Benefit due to totally disabled veteran status Block 92.116 Lot 4; 23 Westport Drive

Resolution 2019 – 168

Resolution authorizing the Tax Collector to refund Homestead Benefit due to totally disabled veteran status Block 95.20 Lot 16; 77 Mirage Boulevard

Resolution 2019 – 169

Resolution authorizing the Tax Collector to refund Homestead Benefit due to totally disabled veteran status Block 95.24 Lot 16; 4 Deer Lake Court

Resolution 2019 – 170

Resolution authorizing the Tax Collector to refund Homestead Benefit due to totally disabled veteran status Block 95.45 Lot 6; 210 Mirage Boulevard

Resolution 2019 – 171

Resolution authorizing the Tax Collector to refund Homestead Benefit due to totally disabled veteran status Block 96 Lot 11; 21 Highland Drive

Resolution 2019 – 172

Resolution authorizing the Tax Collector to refund Homestead Benefit due to totally disabled veteran status Block 114.28 Lot 12; 10 Starboard Avenue

Resolution 2019 – 173

Resolution authorizing the Tax Collector to refund Homestead Benefit due to totally disabled veteran status Block 208.03 Lot 191; 240 Edison Road

Resolution 2019 – 174

Resolution authorizing the Tax Collector to refund tax payment erroneously paid due to totally disabled veteran tax exempt status Block 172 Lot 38.04; 57 Memorial Drive

Resolution 2019 – 175

Resolution authorizing the Tax Collector to refund tax payment erroneously paid due to totally disabled veteran tax exempt status Block 92.64 Lot 4; 25 Avalon Avenue

Resolution 2019 – 176

Resolution authorizing the Tax Collector to refund tax payment erroneously paid due to totally disabled veteran tax exempt status Block 92.83 Lot 8; 13 Tradewinds Avenue

Resolution 2019 – 177

Resolution authorizing the Tax Collector to refund tax payment erroneously paid due to totally disabled veteran tax exempt status Block 95.40 Lot 60; 32 Shady Stream Road

Resolution 2019 – 178

Resolution approving an updated Employee Policies and Procedures Manual

Resolution 2019 – 179

Resolution authorizing reimbursement for cancellation of recreation program classes

Resolution 2019 – 180

Resolution appointing temporary seasonal personnel at the Municipal Dock

Resolution 2019 – 181

Resolution certifying the qualified participants in the Length of Services Award program (LOSAP) for the Fire Department and First Aid Squad for the calendar year 2018

Resolution 2019 – 182

Resolution authorizing the Township Clerk to advertise for General Contract for the New Town Hall Building

Resolution 2019 – 183

Resolution authorizing the Township Clerk to advertise for Water Meter Contract for the Water/Sewer Department

Resolution 2019 – 184

Resolution authorizing purchase of Crack Sealer Melter Applicator from U.S. Municipal, 461 Glennie Cir, King of Prussia, PA 19406 through the Educational Services Commission of New Jersey (ESCNJ) Co-op in an amount not to exceed \$56,232.14

Resolution 2019 – 185

Resolution authorizing award of emergency contract to A.C. Schultes, Inc. for necessary pump repairs on Well #6

Resolution 2019 - 186

Resolution authorizing the release of a Performance Guarantee to Walters Development for the Whispering Hills Phase 1 Townhouses

Resolution 2019 – 187

Resolution authorizing release of Performance Guarantee to Walters Development for the Whispering Hills Phase 1 Sanitary Sewer Facilities

Resolution 2019 – 188

Resolution authorizing the execution of a settlement agreement with Erin Raineri

Resolution 2019 – 189

Resolution approving request for bifurcation of Site Improvement Bond to D.R. Horton for the Seacrest Pines Section 1

Resolution 2019 – 190

Resolution authorizing Contractors progress pay #2 to Wilkinson & Sons Construction, Inc. for the new Public Works Facility project in the amount of \$84,096.00

Resolution 2019 – 191

Resolution supporting Police Week May 12 – 19, 2019, and Peace Officers Memorial Day May 15, 2019

Resolution 2019 – 192

Resolution supporting Municipal Clerks Week May 6 – 10, 2019

Resolution 2019 – 193

Resolution approving the request for the release of road opening bond for the Walters Group, Block 92.79 Lots 15 & 16; Mutineer Avenue

Resolution 2019 – 194

Resolution approving the request for the release of road opening bond for Toby Sweeney Block 116.24 Lot 21; 4 Sandstone Court

Resolution 2019 – 195

Resolution approving the request for the release of road opening bond for the Walters Group Barnegat Senior Apartments Block 195.03 Lot 12; 9 South Main Street

Resolution 2019 – 196

Resolution authorizing a Lien be placed on various properties for failure to comply with Chapter 36 Obnoxious Growth violations

Motion to Adopt Consent Agenda: J. Novak **Second: P. Pipi**

Roll Call: Committeeman Bille: Yes Committeewoman Kropf: Yes
Committeeman Pipi: Yes
Deputy Mayor Novak: Yes Mayor Cirulli: Yes

Items of discussion by the Township Committee Members:

- None

Resolution 2019 - 197

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

Motion to adopt resolution: J. Novak

Second: L. Kropf

Roll Call: Committeeman Bille: Yes Committeewoman Kropf: Yes
Committeeman Pipi: Yes
Deputy Mayor Novak: Yes Mayor Cirulli: Yes

Motion to Adjourn: A. Bille

Second: L. Kropf

Motion Carried

**Next scheduled meeting
June 6, 2019 at 10:00 A.M.
THURSDAY**

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

Municipal Clerk