

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

TOWNSHIP COMMITTEE MEETING MINUTES
April 7, 2020, 10:00 a.m.

Call to Order the April 7, 2020 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: by publication of the date, time and location in the official newspapers, and by posting on the Municipal website for public inspection.

Pledge of Allegiance:

Roll Call of Officials:

Committeeman Bille – Present, Remotely
Committeeman Cirulli - Present
Committeewoman Kropf - Present
Deputy Mayor Pipi - Present
Mayor Novak - Present

Township Attorney, Christopher Dasti commented on the legalities of amending the open public meeting act due to the pandemic for the town to conduct business.

Committee Reports: Kropf, Bille, Cirulli, Pipi

L. Kropf- Hydrant flushing has begun. Water Sewer has modified there work schedule due to the pandemic. Gave her gratitude to first responder, medical professionals and other essential workers. She reminded the community about filing their census. Sent her best wishes to Mike Ball. American Legion #232 along with Rolling Thunder will be hosting free meals for the veterans.

Al Bille- Gave his thanks to all the first responders, medical professionals and all essential.

Al Cirulli- We need to hang in there and do the best we can do.

P. Pipi- Gave a code enforcement report, he sent out his prayers to Mike Ball. He also read a letter from a resident in regards to the Department of Public Works.

Mayor's Report

J. Novak- Gave a COVID-19 update. Discussed the testing center is open at OCC and a script is needed. Gave a police department update, due to the steps our Police Department had taken early, has help them maintain 90% of their staff.

Public Session Comment:

If you wish to comment on the agenda or other matters or to have your comment read into the record, please provide your comment to Clerk@barnegat.net before 8:00 a.m. Tuesday, April 7, 2020. Please include in the subject line: "Public Comment April 7, 2020"

Motion to Open Public Session: A. Cirulli

Second: P. Pipi

Read into the record:

Fred Rubenstein, 4 Hickory Circle-Social media reports that an unnamed "*resident*" objects to the way today's meeting is going forward. To the contrary, it is to the credit of our Township Committee, Administrator, Clerk and others that the instant meeting is convened and the business of Barnegat will be tended to on a timely basis to the benefit of townspeople; to include the anonymous, but vociferous, "*resident*."

Barnegat has many unsung heroes in this time of emergency. From our elected officials, town hall staff to our Police, Public Works, Fire, Rescue and others. We see grocery workers, restaurant owners and delivery people, NJ Transit Bus Drivers and more braving the threat of COVID-19 so essential services can continue uninterrupted.

At the time I write this, more than 41,000 New Jerseyites have contracted COVID-19; 1003 of them are dead. Barnegat already has several dozen of our neighbors diagnosed with the Coronavirus.

If any "*resident*" has objection to the prudent methods and procedures put into play for the public good, then stand tall and identify yourself. Identify yourself as I do here...

P. Pipi- Appreciated Fred's comments. This is a full time job and we are here for the residents.

Ellie Rogalski, 729 W. Bay Ave. This is to advise the Committee that there is development being done and a commercial business being operated on property located at 733 West Bay Ave without any approvals. Commercial trucks from Coastal Garage Doors (the new property owner) appear every weekday morning and remain until the end of the workday. This has been occurring since at least February 28, 2020.

We have reported this repeatedly, as have other neighbors, to Code Enforcement. We are concerned that this business owner is illegally operating a commercial business next door to residential properties in violation of municipal land use ordinances. The Township attorney, Christopher Dasti, Esq., has recently been advised by us that there is no lawfully designated use currently existing on said property. The Planning and Zoning Board Secretary, the Planning Board attorney, the Zoning Board attorney, and the prior Township attorney, Jerry Dasti, Esq. have all been advised of the fact that there is no lawful use of the property when other businesses have attempted to occupy and use the property in the past for unapproved commercial purposes.

We are concerned that during this time of limited government resources, the new property owner, Coastal Garage Doors, is attempting to take advantage of the fact that there is no enforcement mechanism while the Township is closed down due to Covid-19. We have been advised that a Summons has recently been issued. However, since that time, Coastal Garage Doors has continued to operate his business from the property on a daily basis and has continued to make unapproved improvements to the property, including paving an apparent parking area and driveway. As I am sure you are aware, the subject property is located in the Commercial-Village and the Historic District which provides for limited permitted uses. Obviously, the manufacturing of garage doors is not among those.

We hope the Township can take the necessary measures to enforce their ordinances to avoid being taken advantage of during this difficult time.

Bill Neyenhouse, 9 Maple Ave.- I have serious concerns regarding Resolution 2020-154 listed on the consent agenda for tonight's meeting. I feel that it's unethical to list this important resolution on the consent agenda as it certainly is not routine. It also does not meet the standards as set forth in the 2013 New Jersey Revised Statutes Title 40A- Municipalities and Counties .Section 40A:12-13 - Sales of real property. Selling a 90 year old structure that's significant to the Barnegat Historic District should have required an open discussion with the various groups involved with the district such as the Barnegat Historic Preservation Commission and the Barnegat Historical Society. The committee made a commitment to bring more activities into the downtown and the firehouse/emergency management building could play an important role in doing that. It would be an ideal location for a cultural and art center similar to the Pine Shores Artist Association in Stafford. They are headquartered in a historic building owned by the township. They have a membership of over 300 members and offer art classes, art shows and various other activities. I urge the committee to brainstorm with the various groups to find a way to keep the building for a beneficial public use.

M. Lisella- Commented on the building and how our Assessor made an assessment on it.

Motion to Close Public Session: A. Cirulli

Second: L. Kropf

Old Business:

Ordinance 2020 – 01 (Second Reading)

Please see ordinance in full attachment A

An Ordinance to exceed the Municipal Budget Appropriation limits and to establish a Cap Bank in accordance with N.J.S.A. 40A:40-45.14

Motion to open public session: A. Cirulli

Second: P. Pipi

Motion to close public session: A. Cirulli

Second: P. Pipi

Motion to adopt ordinance: A. Cirulli

Second: P. Pipi

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

Ordinance 2020 – 02 (Second Reading)

Please see ordinance in full attachment B

An Ordinance of the Township of Barnegat authorizing the sale of Block 129, Lot 6, AKA 80 Pennsylvania Avenue pursuant to N.J.S.A. 40A:12-1 Et Seq.

Motion to open public session: A. Cirulli

Second: P. Pipi

Motion to close public session: A. Cirulli

Second: L. Kropf

Motion to adopt ordinance: A. Cirulli

Second: L. Kropf

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

Ordinance 2020 – 03 (Second Reading)

Please see ordinance in full attachment C

An Ordinance of the Township of Barnegat authorizing and directing the renaming of Coventry Drive to Boothbay Avenue in the Lighthouse Village at Barnegat Development, Block 113.05 Lot 1 shall now be named 158 Fairway Drive

Motion to open public session: A. Cirulli

Second: P. Papi

Motion to close public session: A. Cirulli

Second: L. Kropf

Motion to adopt ordinance: A. Cirulli

Second: P. Papi

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

Ordinance 2020 – 04 (Second Reading)

Please see ordinance in full attachment D

An Ordinance repealing Ordinance 1995-21 and terminating the Lease Agreement for Block 115.01 Lot 10, to O.C.E.A.N. Inc., as a result of the terminated Head Start Program

Motion to open public session: A. Cirulli

Second: L. Kropf

Motion to close public session: A. Cirulli

Second: P. Papi

Motion to adopt ordinance: A. Cirulli

Second: L. Kropf

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

Ordinance 2020 – 05 Pulled from agenda awaiting Planning Board recommendations

An Ordinance amending and supplementing Chapter 55 of the Land Use Code Subsection 57 entitled "C-N Neighborhood Commercial Zone"

Ordinance 2020 – 06 (Second Reading)

Please see ordinance in full attachment E

An Ordinance deleting Chapter 4:1 of the Barnegat Police Department Rules and Regulations entitled "Qualifications and hiring process" as codified under Chapter 15 of the Township General Code

Motion to open public session: A. Cirulli

Second: P. Papi

Motion to close public session: A. Cirulli

Second: P. Papi

Motion to adopt ordinance: A. Cirulli

Second: L. Kropf

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

Formal Action:

Resolution 2020 – 149

Resolution authorizing payment of Bill List in the amount of \$6,213,779.87

Motion to adopt resolution: A. Cirulli

Second: L. Kropf

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

Resolution 2020 – 150

Resolution to read the budget by title only at the public hearing

Motion to adopt resolution: A. Cirulli

Second: P. Pipi

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

CFO presented Budget Synopsis

Motion to Open Public Hearing on the 2020 Budget: A. Cirulli

Second: P. Pipi

Motion to Close Public Hearing on the 2020 Budget: A. Cirulli

Second: P. Pipi

Resolution 2020 - 151

Resolution adopting the 2020 Municipal Budget:

Be it resolved by the Mayor and Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Budget herein set forth, is hereby adopted, and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$27,905,152.09

Motion to adopt budget resolution: A. Cirulli

Second: L. Kropf

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

New Business:

Approval of the minutes from the March 3, 2020 meeting

Motion to adopt minutes:A. Cirulli

Second: P. Pipi

Roll Call: Committeeman Bille: Yes Committeeman Cirulli: Yes
Committeewoman Kropf: Yes
Deputy Mayor Pipi: Yes Mayor Novak: 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 individual items. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately.

Approval for clothing donation bin to be placed at 128 Barnegat Boulevard, by Turnkey Enterprises, LLC, proceeds to benefit the Lillian M. Dunfee School

Approval for membership to the Barnegat Fire Department for Charlotte Boguslawski

Approval for Mirage Women's Club to hold on premise raffles May 5,8, June 8, 9 & July 9, 2020

Resolution 2020 – 152

Authorizing a refund of premiums paid at Tax Sale, various properties

Resolution 2020 – 153

Authorizing the Tax Collector to refund overpayment for 3rd quarter water & sewer Block 114.05 Lot 26; 17 Beacon Drive

Resolution 2020 – 154

Authorizing the advertisement of bids for the public sale of property known as Block 250 Lot 23, 686 E. Bay Avenue

Resolution 2020 – 155

Authorizing annual laboratory service contract to J.R. Henderson Labs for 2020 in an amount not to exceed \$22,000.00

Resolution 2020 – 156

Authorizing the refund of escrow deposits, PB11-12, Barnegat Land Associates, L.P.

Resolution 2020 – 157

Authorizing the submission of 2019 Recycling Tonnage Grant

Resolution 2020 – 158

Certifying the amount of Recycling Tax paid in 2019

Resolution 2020 – 159

Authorizing the execution of a shared service agreement with the Ocean County Prosecutor's Office for the Traffic Safety Program known as F.A.S.T.

Resolution 2020 – 160

Appointing Township Professional, Tax Map Maintenance

Resolution 2020 – 161

Authorizing the release of Performance Guarantee for Block 174.01 Lot 28.01, 273 S. Main Street, Lyz Nails

Resolution 2020 – 162

Granting Preliminary & Final Water Systems Facilities approval to WP Barnegat, LLC, Exit 67 Town Center, 907 W. Bay Avenue property

Resolution 2020 – 163

Granting Preliminary & Final Sanitary Sewer Systems Facilities approval to WP Barnegat, LLC, Exit 67 Town Center, 907 W. Bay Avenue property

Resolution 2020 – 164

