

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

**TOWNSHIP COMMITTEE MEETING AGENDA
August 4, 2020, 10:00 A.M.**

Call to Order the August 4, 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
Committeeman Cirulli - Present
Committeewoman Kropf - Present
Deputy Mayor Pipi - Present
Mayor Novak - Absent

Committee Reports: Kropf, Bille, Cirulli, Pipi

L. Kropf- Gave a Water/Sewer update, and discussed the water conservation. She mention the total damages due to the lightning strikes. Thanked Tom Lombarski for keeping Barnegat fiscally sound.

Al Bille- Mention the old DPW building will be coming down. Announced municipal tax will not be going up this year. He talked about the some local events that are happening. He mention the issue with opening town hall and how just one of the staff getting sick could impair business inside the building.

Al Cirulli- Discussed his and Mr. Lisella's meeting with the fire department and talked about their needs. The pumper truck will be ordered once they vote on it. He mention the frustration about the Corona Virus. The township has taken precautions to protect the staff and residents. In the result we have not had to deal with and positives results and closing departments down, that other towns have had to deal with. The town will continue to operate and meet the needs of the public while safeguarding the safety and health of its employees.

Pat Papi, Deputy Mayor

Gave a code enforcement reports. He discussed the success of the Barnegat Police department and recruiting. He discussed the process and why so many would apply for only 3 positions.

Public Session Comment as advertised:

If you wish to comment on this agenda or other matters or to have your comment read into the record of this meeting, please provide your comment to Clerk@barnegat.net before 8:00 a.m. Tuesday, August 4, 2020. Please include in the subject line: "Public Comment August 4, 2020", include name and address for the record.

Motion to Open Public Session: A. Cirulli

Second: A. Bille

**Fred Rubenstein
4 Hickory Circle.**

Charles Cunliffe is suing every woman, man and child in Barnegat Township. When you file a lawsuit against our town that is the long-and-short of it. Mr. Cunliffe alleges he has been wrongfully denied the ability to comment at township committee meetings. Nothing could be further from the truth. Like any resident, Mr. Cunliffe had equal opportunity to submit his comments and have them read into and made part of the official record. Mr. Cunliffe would have his neighbors believe that he was denied the ability to interact with township officials. Again, this is false. The email and business telephone numbers of every official, administrator and department are conspicuously posted on our township's website. Why, then, is Charles Cunliffe suing all of us? Why then – at a time when many Barnegat residents are struggling to keep the lights on and put food on the table would Mr. Cunliffe turn a deaf ear and blind eye to the plight of his fellow residents and go into court claiming he has suffered "substantial damages" What "damages" has Mr. Cunliffe suffered? How has he been harmed? How have his rights been taken away from him? We live in a time of potentially fatal pandemic. All of us are working together to combat this invisible, potentially lethal, enemy that has taken a toll on Barnegat and our nation .We have been unable to enter houses of worship. Restaurants, gyms, beauty salons and more remain shuttered, for the most part. We are living in hell. How many reading this have taken salary cuts? How many have no job to return to? How many are already in arrears on mortgages, car payments, taxes, etc.? But Charles Cunliffe, a man who alleges he was an effective Mayor in nearby Lakewood, thinks this is a perfect time to impose additional financial burdens on those whose votes he seeks. Truth-be-told, a petition for the recall of Charles Cunliffe was circulated by Lakewood residents while he was in public office. A salient portrait if ever one existed. No need to delve into Lakewood. Those familiar with the chaos (to include the murder of a young police officer) know of the social unrest, crumbling infrastructure, sky high taxes and questionable quality of life in that town. I wonder if that's why Mr. Cunliffe broke away from his roots, bailed out and moved to Barnegat? Charles Cunliffe's lawsuit against all of us is brutal and unnecessary. If he has concerns, he needs to discuss them with public officials factoring in that this is a time of masks, gloves and social distancing. Mass public meetings are unsafe and carry the real threat of spreading COVID-19.

The recent results of the primary election for township committee in Barnegat had Mr. Cunliffe finish dead last among four candidates. And that was before he took his neighbors into court seeking to put his hand into your wallets. Through it all, Barnegat's public services move forward without interruption. Our town is safe thanks to our police. Garbage and recyclable collections happen as scheduled. Public works crews tend to our infrastructure. And much, much more. Charles Cunliffe must be held accountable. The township must file an answer to his absurd claims already filed in court. That means potentially substantial legal fees that could impact the tax rate by making it go higher. Kicking people when they are down is despicable. And that is precisely what Charles Cunliffe is doing. And it stinks.

Cathy Marrone, 11 Beacon Drive
Barnegat, NJ

Am a resident of Barnegat Township for 36 years - have encountered hardship over the years in finding a good tree company - my neighbors seem to be having a difficult time also -

Wonder if we could request Township Administrator , Mr. Lisella, who is a good businessman, negotiate a deal for us with a good tree company to trim our trees in front and for some of us in our backyard

- we could pay them monthly or quarterly after they complete a job for us - I notice on estimates that they seem to charge a little less in the winter than in the summer and fall - Over the years of having my trees trimmed, I have encountered a tree company that has expressed he would have charged me more if he had realized my tree was larger than he thought when he first saw it and another tree company expressed that I was lucky to get my tree trimmed for the low amount he charged me - they told me this when working on my trees, after they had given me estimates -

One of my neighbors who wants her tree trimmed has a husband in the nursing home for 4 months after a stroke and is experiencing financial difficulty, as me and my other neighbors are experiencing - Would appreciate if Barnegat Township could get us a deal so that the tree company could work on our trees maybe the tree company would be able to complete the job for several of us, if requested by neighbors, it might be more appealing to them if they had 2 or more customers in the same area so they would realize a profit for themselves and not be so unwilling to work on just one person's home. Thank you for your consideration.

Mr. Lisella - If Mrs. Marrone could get the neighbors together and get a tree company they might be able to do a group discount, knowing they have multiple jobs in one area.

Charles Cunliffe

135 Rockrimmon Blvd
Barnegat, NJ

Good Morning Madam Clerk: Would you please submit the following questions to the Mayor & Township Committee?

1. Ordinance 2020-11 seems to create a Hotel/Motel Zone, within the CN Overlay Zone, in a corridor 1000 feet East & West of the Garden State Parkway.

Within this corridor; it creates a permitted use and accessory use entitled; Reception & Banquet Hall.

Is there a proposed/existing project or development in this area which requires this amendment?

2. It was recently reported in local Media that the Township Committee may return to "in-person" meetings in September.

In light of the increase in the NJ Covid-19 Infection Rate, and the Governor's recent restriction on indoor gatherings, would this change be delayed?

Thank you for your consideration.

C. Dasti – answered the question in regards to Ordinance 2020-11

M. Lisella- Questioned Chris about soliciting a hotel or banquet center they wouldn't pay to much attention if the zone didn't meet criteria.

C. Dasti- Explained that the committee is going month to month in regards to in person meetings and due to the governors changes on indoor gatherings the committee will need to consider that as well.

Al Bille- explained how it is a touchy situation with only 25% capacity now and it is something we need to take day by day.

Bill Neyenhouse

9 Maple Avenue
Barnegat, NJ 08005
August 4, 2020

Dear Ms. Rivers,

I once again question why this meeting is being held as it's the seventh meeting in a row that violates the Open Public Meetings Act. In light of Mr. Dasti's determination that the meetings comply with the OPM Act I would suggest that he discuss the issue with his colleagues Mr. Brian Rumpf, Esq., zoning board attorney, and Mr. Michael J. McKenna, Esq., planning board attorney. Both of these gentlemen have advised the boards of the requirement to allow public comment during the meeting and they have complied by allowing the public to access the meeting by computer, tablet or smartphone.

The other issue I would like to address is the design of the proposed municipal building. The mayor, committeemen and administrator should be ashamed of the building they have come up with. They have worked on this project for over three years and have never once held a public information meeting to involve the public in the process. This is unheard of in other towns that design a capital project such as this. When Stafford was designing their town hall they went through a long process designing and presenting their rational and plans for a new municipal building. They held a lot of public meetings and went to homeowner, veteran, senior and other groups, It was important to stress the fiscal aspects, and a long range cost savings along with improved services factored with a population growth. We had no opportunity to provide input and as a result have a building that will be an embarrassment for many years.

C. Dasti- Planning and zoning is a different entity, they have expertise testimony and cross examination. It's a different animal to that aspect. The committee is taking public comments by email. Mr. Neyenhouse is comparing apples to oranges.

Al Bille- Mr. Lisella did a presentation to the planning board which was on Go To Meeting. It is a horrible program. The building will look better than what you see on the rendering. It was out to the public.

M. Lisella - We have had good feedback on the appearance of the building, it is modern looking.

Motion to Close Public Session: A. Bille

Second: A. Cirulli

Old Business:

Ordinance 2020 –10 (Second Reading)

Capital Improvement Ordinance providing for the purchase of a 2020 Enforcer Pumper Fire Truck for the Township, and appropriating the amount of \$525,000.00

BE IT ORDAINED by the Township Committee of Barnegat, County of Ocean, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring) pursuant to the Local Bond Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

SECTION I. It is hereby appropriated from the Capital Improvement Fund the sum of \$525,000 for the purchase of a new Pierce Enforcer Pumper Fire Truck for the Barnegat Fire Dept. including all work and materials necessary therefor or incidental thereto.

SECTION II. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the

Amending and supplementing various sections of Chapter 55 of the Township Land Use Code, Section 55-19 CN Neighborhood Commercial Zone, 55-57 Neighborhood Commercial Zone, 55-305 Definitions and Word Usage, 55-173 Minimum Parking Requirements

Was introduced and passed on the first reading and will be further considered for final passage, after public hearing to be held on September 1, 2020 or as soon thereafter the matter may be reached.

Motion to introduce ordinance: A. Cirulli Second: A. Bille
Roll Call: Committeeman Bille: Yes Committeeman Cirulli: Yes
 Committeewoman Kropf: Yes
 Deputy Mayor Pipi: Yes Mayor Novak: Absent

Ordinance 2020 – 12 (First Reading)
Introduction and first reading of Ordinance 2020-12, which was read by title only, as follows:

Amending and supplementing Chapter 55 of the Township Land Use Code, Sections 34.3 Definitions, 34.7 TC-CPHD Zone, 34.8 TC-CN Zone, 34.9 TC-CV Zone

Was introduced and passed on the first reading and will be further considered for final passage, after public hearing to be held on September 1, 2020 or as soon thereafter the matter may be reached.

Motion to introduce ordinance: A. Bille Second: A. Cirulli
Roll Call: Committeeman Bille: Yes Committeeman Cirulli: Yes
 Committeewoman Kropf: Yes
 Deputy Mayor Pipi: Yes Mayor Novak: Absent

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 Barnegat sports Boosters to hold Pocketbook Bingo, Gift auction, on premise 50/50, and merchandise raffle on October 9, 2020

Approval for Block Party, Deer Run Drive, North, September 5, 2020, with the condition that all COVID restrictions in place will be adhered to throughout the duration of Block party by all participants

Approval for Horizon’s At Barnegat Women’s Club to hold Merchandise Raffle on August 22, 2020 (rain date August 23, 2020)

Resolution 2020 – 232
 Authorizing a refund of premiums paid at Tax Sale, various properties

Resolution 2020 – 233
 Authorizing the Tax Collector to refund payment erroneously paid on Block 116.24 Lot 5; 5 Chestnut Way Circle

Resolution 2020 – 234

Authorizing a Lien be placed of various properties for failure to comply with Obnoxious Growth Violations

Resolution 2020 – 235

Authorizing the Tax Collector to place a municipal lien on Block 114.25 Lot 9, 69 Schooner Avenue for costs related to court ordered demolition of property

Resolution 2020 – 236

Award of contract to Earle Asphalt Company for the Pine Oak Boulevard Improvement Project, Phase 1 in the amount not to exceed \$268,013.13

Resolution 2020 – 237

Approving contracts for the purchase and delivery of Rock Salt, Deicing agents from the Stafford Township Cooperative pricing system in an amount not to exceed \$65,000.00

Resolution 2020 – 238

Amending the contract with the Goldstein Partnership with regard to professional services for the new Public Works building

Resolution 2020 – 239

Authorizing the execution of an agreement with the County of Ocean for the OCCares Grant Program

Resolution 2020 – 240

Authorizing purchase of pierce Fire Apparatus through the Sourcewell Cooperative Pricing System #022818-PMI in an amount not to exceed \$608,622.78

Resolution 2020 – 241

Authorizing the Municipal Clerk to advertise for receipt of 2021 Professional RFP

Motion to adopt Consent Agenda: A. Bille

Second: L. Kropf

Roll Call:

Committeeman Bille: Yes Committeeman Cirulli: Yes

Committeewoman Kropf: Yes

Deputy Mayor Pipi: Yes Mayor Novak: Absent

Items of discussion by Committee members:

- **Mr. Bille: The Cancellation of Pirates Day, and canceling concerts until the end of the year.**

Resolution 2020 – 242

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

Motion to adopt resolution: A. Bille

Second: A. Cirulli

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

Motion to Adjourn: A. Bille

Second: A. Cirulli

All in favor: All Opposed: None

Motion Carried

**Next scheduled meeting
September 1, 2020 at 6:30 P.M.**

Abstention List August 4, 2020 Township Committee Meeting

The following Barnegat Township Committee members have abstained from
the below noted items on this agenda

Mayor Novak: _____

Deputy Mayor Pipi: _____

Committeeman Bille: _____

Committeeman Cirulli: _____

Committeewoman Kropf: _____

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

Municipal Clerk