

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

**TOWNSHIP COMMITTEE MEETING MINUTES  
October 1, 2019, 10:00 A.M.**

**Call to Order the October 1, 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 given: by publication of the date, time and location in the official newspapers, and by posting on the official bulletin board, and in the office of the Municipal Clerk for public inspection.

**Roll Call of Officials:**

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

**Invocation: by Pastor Rose Cassarino, Holy Spirit Victory Church**

**Pledge of Allegiance:**

**Proclamation: National Friends of Libraries Week  
Proclamation: Put the Brakes on Fatalities Day**

**Committee Reports: Kropf, Pipi, Bille, Novak**

Linda Kropf- Gave a report on the Water Sewer department.

Pat Pipi- Gave a report on code enforcement, and gave kudos to DPW on the clean up on state owned property over the parkway. DPW is coming along and is due to open in six to eight weeks.

Al Bille- The 4<sup>th</sup> street to Mirage paving issues have been addressed. The next section will be doing it at night and it will be a private company, not the county.

John Novak- Gave a report on the police department. Sgt. Lindstrom is retiring and good luck, and Detective Nowak is being promoted to Sargent this week.

**Mayor's Report:** Reiterated what Pat Papi said about the DPW building. Informed the public that on October 17<sup>th</sup> at 4pm we will have a ribbon cutting ceremony for the Adopt-a-Street program.

**PUBLIC SESSION**

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

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

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

**Second: J. Novak**

Ron Crocker, JCP&L- Introduced himself as the new representative for our town.

John Murrin, 38 Pierhead Drive—discussed the paving on W. Bay Avenue and send it was a great job. Gave a public announcement that the Rent Leveling Board will meet here on October 10<sup>th</sup> at 7pm. He suggested a countdown clock for meeting, for the public to know when they are out of time for speaking.

Dough Steffy, 52 Hillside Dr.- Questioned the meeting last month and discussed the resolution that was changed in regards to a performance bond. Also asked about the Homestead rebate resolution and an explanation on 2019-327.

Chris Dasti- Gave an explanation on the resolution and why the change was made.

Michele Rivers- Explained that the Homestead rebate resolution needs to be listed by block and lot.

Marty Lisella- explained resolution 2019-327 is about increasing the lighting in one area of parking in the Mirage and not costing the town anything.

Robert Bea, 26 Moonlight Drive- Discussed issues in Paramount Escapes in regards to the draining problems be addressed before they can close on more homes. Asked about the affordable houses that need to go up and if there is compliance. Brought up the diverters that have been put up.

Kurt Otto- Responded that there is no stop work, and there are other issues with drainage in other sections.

Chris Dasti- Not aware of the development not being compliant and he will have his inspector about the diverters.

Christopher Aguliar, 16 Mast Drive, - Asked about the ordinance for Wildlife and want to get it revised to under an acre to have chickens and roosters. Brandon Baker, 18 Mast Drive is with him in support of the change of the ordinance.

Peg Houle, 10 Rockland St., Candidate for Township Committee- Asking about the status of the new Town Hall and that the bond was issued over a year and half ago. She also discussed the LGBTQ curriculum and wanted to know how the rest of the committee feels.

Al Cirulli- Town Hall can't be started until DPW is done, then construction can start. There is a process and a bid hasn't gone out yet. After the bid goes out it's a 90 day process.

Chris Dasti- Stated it's a personal opinion and they shouldn't be asked since they have no say in it.

Ken Schafer, 8 Harbor Pl. - Discussed an ordinance about maintaining property and how people allow mold to grow on the homes.

Chris Dasti- Suggested that he contact code enforcement.

Al Cirulli- Stated is was a new issue that has never been brought up, and he will follow up with code enforcement.

Shelia McVeigh, 56 Robin Lane- Asked about a Planning Board meeting in regards to something that will affect Heritage Bay. She asked about the project and cutting of trees on the land.

Al Bille- The applicant had withdrew and will be moved to the next meeting. He explained the different approvals and the process.

Kurt Otto- explained the process and stated no one should be cutting trees.

Phil Checcia- Gave his political opinion the president.

Marianne Clemente, 565 E. Bay- Disagrees with Phil Checcia's statement. This town doesn't want to tolerate hatred. She asked the Mayor if he would perform gay marriages.

Al Cirulli- Stated that as a Mayor he does not perform any marriages.

Chris Dasti- There is no requirement for him to perform marriage ceremonies.

Diane Schlagel, Brighton at Barnegat, - Fire Wise is not on the township calendar. She is requesting it is there. 72 street sign pointing to Brighton is incorrect.

Al Cirulli- It will be addressed for 2020, the state will need to be notified that it's a mistake.

Doug Steffy, 52 Hillside Ave.-discussed past meeting and gave kudos to the Mayor and Chief about handling last month's meeting.

Dave 89 Gunning River Rd.- Talked about sanitation cleaning up a mess in front of the road. He wanted to put something positive out there. Police should be more proactive and visible.

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

**Second: P. Pipi**

**Old Business:**

**Ordinance 2019 – 12 (Second Reading)**

Ordinance amending and supplementing Chapter 15 of the Township Code entitled "Police Department" Section 15-18 Outside Work

**BE IT ORDAINED** by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Section 15-18 of the Township Code entitled "Employment of Off-Duty Police Officers" is hereby amended and supplemented to read as follows:

**15-18. Outside Work.**

- A. Any person or entity deciding to retain the services of police officers of the Township of Barnegat for outside work police related activities shall be required to enter into a contract with the Township of Barnegat. Said contract shall include but not be limited to the nature of duties to be performed, the location of said duties, the date and hours of service, the rate of payment for services of the officers, administrative fees to the Township of Barnegat and fees for the use of Township-owned equipment. A written request to the Chief of Police for outside work officer(s) must be submitted five (5) working days prior to the start of work. The Chief of Police is hereby empowered to execute a contract for outside work police-related activities on behalf of the Township in accordance with this Article.
- B. The Chief of Police or his designee shall be responsible for the assignment of all outside work police-related activities. The Chief of Police or his designee shall determine the number of outside work officers needed for each assignment.
- C. All persons or entities shall be required to make all payments for outside work assignments payable to the Township of Barnegat, or

contractually assigned Outside Work Police Administrator. All persons or entities shall be required to make payment within the same pay period. The outside work police officer rate is ninety-five dollars (\$95.00) per hour, which shall remain until mutually agreed upon by the Township, and both PBA and SOA Unions. An additional rate of twenty-five dollars (\$25.00) per hour will be charged the vendor to cover administrative fees, and the fees for the use of Township owned equipment and supplies. An additional percentage (currently 7%) will be added to the total fee charged the outside vendor, retained by the outside work Police Outside Administrator (currently Jobs4Blue) if one is utilized.

- D. The Chief Financial Officer of the Township shall establish an escrow account through a dedication by rider for the purpose of collecting and distributing funds from entities other than the Township, which utilize the services of Barnegat Township police officers during the outside work hours. All record keeping with respect to the amount to be billed and collected will be the responsibility of the Chief of Police, or his designee, which may be a contracted Outside Police Administrator.
- E. Each person or entity who shall employ outside work police officers pursuant to this section shall be responsible for maintaining their own insurance coverage. Said insurance coverage shall include but not be limited to general liability and automobile liability and shall name the Township of Barnegat as an additional insured. In addition, such policy shall provide for a minimum coverage of \$1,000,000 for any one claim or \$2,000,000 for any aggregate claims. Proof of said insurance coverage shall be provided to the Township of Barnegat prior to the assignment of any outside work police officers to said person or entity. The person or entity shall provide for the aforementioned for any and all officers, vehicles and/or equipment that is utilized by the outside work assignment. The Township Committee may reduce the amount of insurance for a nonprofit corporation, provided that such reduction does not adversely affect the Township's insurance coverage through the Ocean County Joint Insurance Fund ("JIF")
- F. The Chief of Police or his designee shall have the authority to order any police officer engaged in outside work assignments within the Township of Barnegat to respond to an emergency situation within the Township of Barnegat. The Chief of Police or his designee shall also have the right to order any outside work assignment to be terminated

whenever said assignment creates an unacceptable risk to the health, safety and welfare of the outside work officer and/or citizens of the Township. In the event that a police officer is assigned to an emergency situation, the Police Chief or designee shall make notice of that emergency situation, said person or entity shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the Township until such time as said police officer and/or equipment returns to the assignment with the outside work employer.

G. Any person or entity requesting the services of outside work police officers shall execute an agreement to indemnify and hold harmless the Township of Barnegat for any and all claims and damages which may arise from the outside work police officer's employment by said person or entity.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** 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 portion thereof.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law.

**Motion Open Public Comment: A. Bille**  
**Motion Close Public Comment: J. Novak**  
**All are in favor**

**Second: P. Pipi**  
**Second: P. Pipi**

**Motion to Adopt Ordinance: J. Novak**

**Second: L. Kropf**

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

**Ordinance 2019 – 13 (Second Reading)**

Ordinance establishing Chapter 55-192 of the Township Code entitled "Regulation of Solar Energy Facilities"

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean and State of New Jersey as follows:

SECTION 1. Chapter 55 of the Township Code entitled "Land Use" and specifically Section 192 thereof entitled "Regulation of Solar energy Facilities" is hereby established and shall read as follows:

A. Definition of Solar Energy Facilities.

The definition of "Solar Energy Facility" shall be as defined in §55-305B of the Township Code.

B. Ground Mounted Solar Energy Facilities.

Ground Mounted Solar Energy Facilities shall be a permitted accessory use requirement in any zone on property with a minimum lot size of one (1) acre, subject to the following conditions:

- (1) The solar collectors and accessory equipment setback shall be fifty (50) feet or the accessory building setback requirement of the applicable zoning district, whichever distance is greater. For contiguous properties under common ownership the setback may be reduced to zero (0) feet along the common property lines.
- (2) The height of the solar collectors and any mounts shall not exceed eight (8) feet when oriented at maximum tilt.
- (3) All projects are net-metered projects limited in annual energy generation capacity to the previous calendar year's energy demand.
- (4) All solar or photovoltaic energy systems that disturb 5,000 square feet or more of soil shall require major site plan approval.
- (5) When a new driveway or road is required for access to the solar or photovoltaic systems, the surface shall be suitable to accommodate maintenance as well as emergency vehicles.
- (6) All solar or photovoltaic energy system installations must be performed by a qualified installer, and prior to operation the electrical connections must be inspected by the Township or other appropriate electrical inspection agency as determined by the Township. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.
- (7) Landscaped vegetative screening shall be required, as well as fencing as may be determined appropriate by the Township, between any ground-mounted solar collectors or any ground-mounted equipment for any energy system and adjacent existing residential dwellings and public streets in accordance with the following:
  - (a) The overall purpose of the landscaped screening is to obscure or substantially buffer the view of the solar energy system year-round.

- (b) The landscaped screening shall be comprised of a minimum of one (1) evergreen tree, at least six (6) feet high at time of planting, plus two (2) supplemental shrubs at the discretion of the Township, all planted within each ten (10) linear feet of the area to be screened.
- (c) Existing vegetation may be used to satisfy all or a portion of the required landscaped screening.
- (d) Any fencing shall be at least six (6) feet in height.
- (8) Solar panels shall not be included in any calculation of impervious surface or impervious cover in accordance with N.J.S.A. 40:55D-38.1
- (9) Ground areas beneath solar panels shall be planted with a see mixture of native, non-invasive shade tolerant grasses in order to prevent soil erosion and the spread of weeds or other invasive species and to promote biodiversity and a natural habitat; the ground area shall be mowed on a regular basis.
- (10) All Solar Energy Facilities shall comply with the current edition Building Code and all other applicable codes and industry standards.
- (11) All piping must be buried underground.

C. Pole Mounted Solar Energy Facilities.

Pole Mounted Solar Energy Facilities shall be a conditional use requirement in any zone, subject to the following conditions:

- (1) The solar collectors and accessory equipment setback shall be fifty (50) feet or the accessory building setback requirement of the applicable zoning district, whichever distance is greater. For contiguous properties under common ownership the setback may be reduced to zero (0) feet along the common property lines.
- (2) The height of the solar collectors and any mounts shall not exceed ten (10) feet when oriented at maximum tilt.
- (3) All projects are net-metered projects limited in annual energy generation capacity to the previous calendar year's energy demand.
- (4) All solar or photovoltaic energy systems that disturb 5,000 square feet or more of soil shall require major site plan approval.



(5) When a new driveway or road is required for access to the solar or photovoltaic systems, the surface shall be suitable to accommodate maintenance as well as emergency vehicles.

(6) All solar or photovoltaic energy system installations must be performed by a qualified installer, and prior to operation the electrical connections must be inspected by the Township or other appropriate electrical inspection agency as determined by the Township. In addition, any interconnection to the public utility grid must be inspected by the appropriate public utility.

(7) Landscaped vegetative screening shall be required, as well as fencing as may be determined appropriate by the Township, between any ground-mounted solar collectors or any ground-mounted equipment for any energy system and adjacent existing residential dwellings and public streets in accordance with the following:

(a) The overall purpose of the landscaped screening is to obscure or substantially buffer the view of the solar energy system year-round.

(b) The landscaped screening shall be comprised of a minimum of one (1) evergreen tree, at least six (6) feet high at time of planting, plus two (2) supplemental shrubs at the discretion of the Township, all planted within each ten (10) linear feet of the area to be screened.

(c) Existing vegetation may be used to satisfy all or a portion of the required landscaped screening.

(d) Any fencing shall be at least six (6) feet in height.

(8) Solar panels shall not be included in any calculation of impervious surface or impervious cover in accordance with N.J.S.A. 40:55D-38.1

(9) Ground areas beneath solar panels shall be planted with a seed mixture of native, non-invasive shade tolerant grasses in order to prevent soil erosion and the spread of weeds or other invasive species and to promote biodiversity and a natural habitat; the ground area shall be mowed on a regular basis.

(10) All Solar Energy Facilities shall comply with the 2015 Building Code and all other applicable codes and industry standards.

(11) All piping must be buried underground.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. 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 4. This ordinance shall take effect after second reading and publication as required by law

**Motion Open Public Comment: A. Bille**  
**All are in favor**

**Second: P. Pipi**

Marianne Clemente- Asked what the regulation is now.

Chris Dasti- Explained there is no regulation, and this will put some in place.

**Motion Close Public Comment: A. Bille**  
**All are in favor**

**Second: P. Pipi**

**Motion to Adopt Ordinance: A. Bille**

**Second: P. Pipi**

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

**Formal Action:**

**Resolution 2019 – 302**

Resolution authorizing payment of Bill List in the amount of \$5,753,287.63

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

**Second: J. Novak**

**Roll Call:** Committeeman Bille: Yes Committeewoman Kropf: Yes  
Committeeman Pipi: Yes  
Deputy Mayor Novak: Yes Abstain 00118, 08400, and 00148  
Mayor Cirulli: Yes

**Resolution 2019 – 303**

Resolution authorizing a Chapter 159 in the amount of \$15,288.07 be inserted in the 2019 Municipal Budget, for the *NJOEM FY20 966 Grant*

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

**Second: J. Novak**

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

**New Business:**

**Approval of the minutes from the September 3, 2019 meeting**

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

**Second: P. Pipi**

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

**Ordinance 2019 – 14 (First Reading)**

*Introduction and first reading of Ordinance 2019-14, which was read by title only as follows:*

An Ordinance amending Chapter 55-166 of the Township Land Use Code entitled  
"Location and Asbuilt Plan Requirements"

*Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on November 7, 2019 or as soon thereafter the matter may be reached*

**Motion to Introduce Ordinance: A. Bille Second: L. Kropf**

**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 individual items. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately.**

Approval for membership to the First Aid Squad for Elizabeth Anne Davis

Approval for membership to the First Aid Squad for Jake Paolo

Approval for the Italian American Cultural Club to hold On Premise 50/50 at their meetings in 2019 and 2020

Approval for the Rotary Club of Barnegat to hold Off Premise 50/50 on December 11, 2019

**Resolution 2019 – 304**

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

**Resolution 2019 – 305**

Resolution authorizing the Tax Collector to cancel taxes Municipal Liens on foreclosed properties pursuant to NJSA 54:4-3.30

**Resolution 2019 – 306**

Resolution authorizing the Tax Collector to refund Homestead Rebate for Totally Disabled Veteran Block 92.116 Lot 4

**Resolution 2019 – 307**

Resolution authorizing the Tax Collector to refund Homestead Rebate for Totally Disabled Veteran Block 93.20 Lot 67

**Resolution 2019 – 308**

Resolution authorizing the Tax Collector to refund Homestead Rebate for Totally Disabled Veteran Block 95.24 Lot 16

**Resolution 2019 – 309**

Resolution authorizing the Tax Collector to refund Homestead Rebate for Totally Disabled Veteran Block 96 Lot 11

**Resolution 2019 – 310**

Resolution authorizing the Tax Collector to refund Homestead Rebate for Totally Disabled Veteran Block 114.28 Lot 12

**Resolution 2019 – 311**

Resolution authorizing the Tax Collector to refund Homestead Rebate for Totally Disabled Veteran Block 93.20 Lot 10

**Resolution 2019 – 312**

Resolution authorizing the cancellation of taxes and issuing a refund for Totally Disabled Veteran Block 95.41 Lot 23

**Resolution 2019 – 313**

Resolution authorizing the cancellation of taxes and issuing a refund for Totally Disabled Veteran Block 92.67 Lot 5

**Resolution 2019 – 314**

Resolution authorizing the Tax Collector to refund overpayment due to Totally Disabled Veteran status Block 116.24 Lot 5

**Resolution 2019 – 315**

Resolution authorizing the Tax Collector to refund overpayment due to Totally Disabled Veteran status Block 92.79 Lot 2

**Resolution 2019 – 316**

Resolution authorizing the Tax Collector to refund overpayment due to Totally Disabled Veteran status Block 92.22 Lot 11

**Resolution 2019 – 317**

Resolution authorizing the Tax Collector to refund overpayment due to Totally Disabled Veteran status Block 114.36 Lot 20.01

**Resolution 2019 – 318**

Resolution authorizing the Tax Collector to refund overpayment due to Totally Disabled Veteran status Block 114.10 Lot 1

**Resolution 2019 – 319**

Resolution authorizing the Tax Collector to issue a refund based on successful tax court appeal Block 116.03 Lot 10

**Resolution 2019 – 320**

Resolution authorizing reimbursement for cancellation of Recreation program classes

**Resolution 2019 – 321**

Resolution authorizing an employment separation with Craig Lindstrom

**Resolution 2019 – 322**

Resolution authorizing promotion of Detective Richard Nowak to Sergeant

**Resolution 2019 – 323**

Resolution authorizing a sale of police vehicle to the Township of Howell in the amount of \$14,000.00

**Resolution 2019 – 324**

Resolution authorizing payment from Developer Escrow to Mark Madison, LLC in accordance with the 2015 Off-Tract Reimbursement Agreement

**Resolution 2019 - 325**

Resolution authorizing acceptance of Change Orders #12 -16 for the new Public Works facility Project

**Resolution 2019 – 326**

Resolution authorizing progress payment #7, to R. Wilkinson & Sons Construction, Inc., for the New Public Works Building project

**Resolution 2019 – 327**

Resolution authorizing the administrator to sign an agreement with JCP&L for street lighting improvements in the Mirage Community, which have been paid for in advance by Mirage in the amount of \$3,970.25

**Resolution 2019 – 328**

Resolution authorizing participation in the Ocean County Sheriff's program FY19 Traffic Enforcement Program Grant CR539

**Resolution 2019 – 329**

Resolution denying the release of Maintenance Bond to Barnegat Senior Apartments, LLC for Block 195.03 Lot 12

**Resolution 2019 – 330**

Resolution approving reduction to Performance Bond for Mark Madison, LLC for the Ocean Acres Phase 10, Sanitary Sewer Facilities

**Resolution 2019 – 331**

Resolution denying reduction to Performance Bond for Mark Madison, LLC for the Ocean Acres Phase 10, Water System Facilities

**Resolution 2019 - 332**

Resolution approving release of Performance Bond to Walters Homes, for the Nautilus Drive Water Main Interconnection

**Resolution 2019 – 333**

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

**Resolution 2019 – 333A**

Resolution awarding a contract to Epoxy Flooring for Recreation Center flooring improvements in the amount of \$34,830.00

**Motion to Adopt Consent Agenda: A. Bille                      Second: P. Pipi**

**Roll Call:**                      Committeeman Bille: Yes  
   Committeewoman Kropf: Yes Abstain 2019-327  
   Committeeman Pipi: Yes  
   Deputy Mayor Novak: Yes                      Mayor Cirulli: Yes

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

- None

**Resolution 2019 - 334**

Resolution authorizing the Township Committee to retire into closed session.  
(Contractual)

**All in Favor: Aye**

**Motion to Adjourn: J. Novak                      Second: L. Kropf**

**Next scheduled meeting  
November 7, 2019 at 6:30 P.M.  
(1<sup>st</sup> THURSDAY)**

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

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