

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

**TOWNSHIP COMMITTEE MEETING MINUTES  
September 1, 2020, 10:00 A.M.**

**Call to Order the September 1, 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 more than 48 hours in advance 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 - Present

\*\*Michele Rivers noted during this meeting there were technical difficulties causing feedback in the lines through the T.V and website. The feedback made it difficult to hear some of the comments and reports. \*\*

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

L. Kropf- Gave a water/sewer report, and discussed the Labor Day Holiday.

Al Bille- Talked about voting in the General Election and support of the police department.

Al Cirulli- Discussed Communities that Care, Family Oasis and their success. He also talked about sports programs and Bay beach improvements.

P. Pipi- Gave a code enforcement report, discussed open public attendance. He also mentioned the problems with Zoom and other applications for being virtual.

**Mayor's Report**

J. Novak- Talked about Resolution 2020-250, and recognizing the police department for their efforts during Covid-19. He discussed Governor Murphy and Mail in voting.

**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](mailto:Clerk@barnegat.net) before 8:00 a.m.

Tuesday, September 1, 2020. Please include in the subject line: "Public Comment September 1, 2020", include name and address for the record.

**Motion to Open Public Session: A. Cirulli**  
**All in favor**

**Second: A. Bille**

**Angela Costanzo, 9 South Main St., Apt. 219**

As a Senior citizen who has voted at polling locations for 58 years I feel it is my right as a citizen to continue in this manner. Mail in ballots are not an acceptable way to cast my vote, particularly in a Federal election for President of the United States. If we can go into a Supermarket, Liquor store etc. and people can protest en mass, we should be able to vote in the usual manner with social distancing and masks as we have been doing in normal, everyday life for the past few months. We vote in a booth one at a time so why is this a big deal (I will bring my own sanitizing items). I resent my right being taken away from me. Also, my resentment extends to our governor excluding the legislature of our state from taking part in the decision of mail in ballots which is required by law. Dr. Birx and Dr. Fauci who I am sure we all know have both publicly given the o.k. for voting in person at Polling locations. The second choice should be requesting Absentee Ballots which are registered. Both of these are fine choices....Mail in Ballots are a No-No!!!! I am a bit more educated than falling for it. Thank you.

**Bill Neyenhouse, 9 Maple Avenue**

Dear Ms. Rivers,

The past 7 meetings I have questioned why the meetings were being held in violation of the Open Public Meetings Act. As today's meeting is once again in violation I'm not asking why because I already know the answer, the mayor and the committee simply don't want to have an open dialog with the residents. I find it interesting that the article in the 8/21/2020 Barnegat Leader states that officials are hoping to go back to in-person meetings on Tuesday. Sept. 1, at 6:30 p.m. The Committee not only eliminated the in-person meeting but they changed the meeting time to 10:00 a.m. This is the seventh meeting in a row being held at 10:00 a.m. in spite of the original schedule of alternating the meeting times. Why is it necessary to hold all the meetings at 10:00 other than fewer people are available to watch the meetings?

**Charlie Cunliffe, 135 Rockrimmon Blvd.**

Public Comment to the Mayor and Township Committee Tuesday September 1, 2020:

I am writing to the Mayor & Township Committee to follow up on my objection to their continued refusal to follow the DCA Directive for Virtual Public Meetings.

The Township Attorney has stated that he is concerned, on your behalf, that a virtual meeting could be hacked. I contend that if Barnegat took proper action, the Virtual meeting could have security settings enabled to prevent that from happening.

Also, the Administrator of the virtual meeting, could have all microphones muted and cameras disabled at the start of the township meeting, then enabled & under their control when the public session begins.

If the Committee was inclined to follow the directive, it could be done securely. I must also point out that the Municipal Court, The Planning Board, & the Zoning Board have conducted virtual public meetings.

That brings me to The Township attorney's comments from last meeting...that the Committee is not like those Boards because the Township Committee does not have to take Testimony and have back and forth questioning.

With all due respect, this is where I disagree with the Township Attorney. When I was a Committeeman and Mayor, I recall specific steps that must be taken before the Township Committee can vote on and then adopt an Ordinance after second reading.

One of the most important steps is the Public Hearing on the Ordinance. That must be in real time...all members of the public must be given time to speak, Interested Parties and anyone affected, must also be given time to speak on the Ordinance; or in response to any comment made by the Mayor or Committee...or any interested Party or member of the Public....this is NOT possible with questions submitted in advance.

This goes beyond the DCA Directive; this is a Statutory requirement. The very nature of a "Public Hearing" is being subverted by this Committee, all while other Public Bodies in this town have demonstrated the ability to conduct virtual meetings safely and effectively in accordance with the DCA Directive and the Law.

Your refusal to have Virtual Meetings has prevented a real "Public Hearing" for the Ordinances, and in my opinion, has made every Ordinance you have adopted null & void.

I believe the process for all adopted Ordinances during this period should start all over again and must have real Public Hearings.

Finally, I believe the Township Attorney's opinion has allowed this Committee to operate outside of the Statutory requirements of NJ Title 40.

I have asked the Township Committee to take corrective action and to conduct virtual meetings...you have refused.

I ask again that the Township Committee please follow the DCA directive for Virtual Meetings and that the Committee adhere to the Statutory regulations within NJ Title 40 regarding Township Ordinances.

### **Fred Rubenstein, 4 Hickory Circle**

Mr. Mayor and Members of the Committee,

As a Barnegat homeowner of twenty-eight years, it is my civic responsibility to speak out and inform my neighbors concerning the inaccuracies and possible falsehoods being espoused by Charles Cunliffe.

Aside from the fact that Mr. Cunliffe has refused to withdraw his lawsuit filed against all Barnegat residents, Mr. Cunliffe has made unsupported statements that he purports to be fact when they are fiction.

Via online forums, Mr. Cunliffe states he has a plan to significantly lower Barnegat property tax bills. However, when asked by me and others for the specifics so the credibility of his alleged strategy can be evaluated, Mr. Cunliffe responds with name-calling and outright vilification. It is just and proper to conclude that Mr. Cunliffe has no plan. In fact, Mr. Cunliffe knows that Barnegat municipal taxes are among the lowest in Ocean County.

Mr. Cunliffe served on the Lakewood Township Committee. During his tenure, numerous complaints were memorialized into the record illustrating the higher taxes and somewhat dangerous quality of life. I cite a Lakewood Township Meeting that convened on December 12, 2006. Three Lakewood residents rose to complain about street gang vandalism and asked why no effective strategy to protect them and their property was in place. Then-Committee Member Cunliffe had no answer for his neighbors.

At that same meeting, several residents asked about the petition to recall Mr. Cunliffe and have him removed from public office. Also, Mr. Cunliffe was involved in a controversy about the installation of traffic signals in dangerous, accident-prone areas. Once again, Mr. Cunliffe had no answers.

Then-Lakewood Township Attorney Steven Secare had to remind Mr. Cunliffe that traffic warrants would first have to be obtained. That was something Mr. Cunliffe had no knowledge of despite his alleged experience.

At a Lakewood Committee Meeting convened on March 8, 2007, Mr. Cunliffe championed resolutions and voted for ordinances that increased homeowner's tax bills by increasing fees for Lakewood administrative services. Once again, Mr. Cunliffe needed the guidance of the Township's attorney.

Truth-be-told, Mr. Cunliffe made and endorsed quite a few resolutions that were objected to by Lakewood residents for a variety of legitimate reasons.

Mr. Cunliffe was subsequently dropped as a candidate by his own political party. Given the many signatures on the formal petition to recall Mr. Cunliffe while he was still in office and the tax increases he supported and public safety negligence, that is no surprise.

It was at the September 3, 2019 Barnegat Township Committee meeting that Mr. Cunliffe revealed a side of his true self that should frighten all people of good will. Making false claims of possible white supremacy, Mr. Cunliffe levied vicious allegations against our Township Committee. Mr. Cunliffe recited a diatribe and actually suggested that Barnegat Committee Members forfeit their Constitutional rights.

This is a portrait of Charles Cunliffe. A man who sues his neighbors claiming his Constitutional rights were violated and then insists that seated Committee Members forfeit their Constitutional rights. At best, Mr. Cunliffe is a person of double standards.

Mr. Cunliffe boasts of a plan to lower Barnegat taxes but cannot speak to so much as one facet of his pale - - a plan that exists solely in the mind of Charles Cunliffe.

Mr. Cunliffe turned a deaf ear and a blind eye to his neighbors in Lakewood by raising taxes while failing to address numerous public safety concerns; concerns that led to traffic accidents and serious personal injuries.

Mr. Cunliffe failed to be vigilant in Lakewood Township as crime increased. I remind all who hear my words that 27-year old Lakewood Township Police Officer Chris Matlosz was brutally shot in both his head and neck (and died) in Lakewood during Mr. Cunliffe's tenure.

The May 31, 2009 edition of The Lakewood Scoop printed an article wherein Mr. Cunliffe sought election to the Lakewood Committee (after being dropped by his registered party). Mr. Cunliffe failed to prevail. Those who know him best had enough of Charles Cunliffe and the deterioration of Lakewood under his watch.

Charles Cunliffe moved to Barnegat and was welcomed as a neighbor. In a few short years, Mr. Cunliffe decides Barnegat is poorly run and only he can be the Messiah.

The items I mention are all matters of indelible record. The cited minutes are available. Barnegat does not need Cunliffe Chaos.

**Motion to Close Public Session: A. Cirulli**  
**All in favor**

**Second: L. Kropf**

**Old Business:**

**None**

**Formal Action:**

**Resolution 2020 – 243**

Resolution authorizing payment of Bill List in the amount of \$6,656,471.42

**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: Yes

**New Business:**

**Approval of the minutes from the August 4, 2020 meeting minutes**

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

**Second: A. Cirulli**

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

**Ordinance 2020 – 13 (First Reading)**

*Introduction and first reading of Ordinance 2020-13, which was read by title only as follows:*

Amending and supplementing various sections of Chapter 55 of the Township Code entitled “Land Use” Section 55-166 “Location and As-Built Plan requirements”, 55-183 “Swimming Pools”, Attachment 2 “Schedule of Area, Yard and Building Requirements East of Parkway”. Attachment 3 “Schedule of Area, Yard and Building requirements West of Parkway”

*Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on October 6, 2020 or as soon thereafter the matter may be reached.*

**Motion to introduce ordinance: P. Pipi**

**Second: A. Cirulli**

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

**Ordinance 2020 – 14 (First Reading)**

*Introduction and first reading of Ordinance 2020-14, which was read by title only as follows:*

Amending Ordinance 2017-27 cancelling certain unfunded appropriation balances heretofore provided for the construction of a New Public Works Building totaling \$1,000,000.00 and reappropriating such balances for the construction of the New Township Municipal Building  
*Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on October 6, 2020 or as soon thereafter the matter may be reached.*

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

**Second: P. Pipi**

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

**Ordinance 2020 – 15 (First Reading)**

*Introduction and first reading of Ordinance 2020-15, which was read by title only as follows:*

Amending and supplementing Chapter 55, Land Use Code of the Township, specifically Section 55-355.5 entitled “Affirmative Marketing Requirements”

*Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on October 6, 2020 or as soon thereafter the matter may be reached.*

**Motion to introduce 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 – 16 (First Reading)**

*Introduction and first reading of Ordinance 2020-16, which was read by title only as follows:*

Amending Ordinance 2017-27, cancelling certain funded appropriation balances from Ordinance 2015-7 and Reappropriating such balances for the construction of the New Township Municipal Building in addition to additional appropriation from Capital Improvement Fund for the same

*Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on October 6, 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: 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 Barnegat Fire Company for Edgar J. Romero

Block party Breakers Drive September 5, 2020

**Resolution 2020 – 244**

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

**Resolution 2020 – 245**

Authorizing the Tax Collector to refund payment erroneously paid totally disabled veteran  
Block 115.03 Lot 10; 12 Sparrow Lane

**Resolution 2020 – 246**

Authorizing the Tax Collector to refund payment erroneously paid totally disabled veteran  
Block 114.36 Lot 20.01; 75 Lamp Post Drive

**Resolution 2020 – 247**

Authorizing the Tax Collector to refund payment erroneously paid totally disabled veteran  
Block 92.67 Lot 5; 26 Mutineer Avenue

**Resolution 2020 – 248**

Authorizing the Tax Collector to refund payment erroneously paid 3<sup>rd</sup> quarter water/sewer  
Block 114.59 Lot 29; 81 Freedom Hills Drive

**Resolution 2020 – 249**

Authorizing the Tax Collector to refund payment erroneously paid 3<sup>rd</sup> quarter water/sewer  
Block 92.37 Lot 4; 31 Watts Avenue

**Resolution 2020 – 250**

Recognizing the Barnegat Township Police Department for all of its efforts during COVID-19

**Resolution 2020 – 251**

Certifying the Governing Body has reviewed the General Comments and Recommendations of  
the 2019 Audit

**Resolution 2020 – 252**

Confirming the construction location of the New Town Hall Complex

**Resolution 2020 – 253**

Strongly encouraging the right of in-person machine voting for the November, 2020 General  
Election

**Resolution 2020 – 254**

Supporting Ocean County representation on the Board of Public Utilities

**Resolution 2020 – 255**

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

**Resolution 2020 – 256**

Authorizing renewal of liquor licenses for the 2020/2021 term

**Resolution 2020 – 257**

Appointing full time personnel, George Sayre, to the Public Works Department

**Resolution 2020 – 258**

Resolution appointing Joseph Peragine as Non-Certified Patrolman

**Resolution 2020 – 259**

Authorizing estimate for Professional Engineering Services to CME Associates, in an amount not to exceed \$29,500.00, for the NJDOT FY 2020 Roadway Improvements to Pine Oak Blvd., Phase 1 – CONAD

**Resolution 2020 – 260**

Authorizing the request for release of Monument Bond to Walters Development, for PB 13-16, Block 92.66 Lots 7.01, 23.01

**Resolution 2020 – 261**

Authorizing the request for release of Monument Bond to Walters Development, for PB 13-15, Block 92.23 Lots 1.01, 2.01 and 30.01

**Resolution 2020 – 262**

Authorizing the request for PB 01-11 Full Performance Guarantee Release and new Replacement Guarantee for Model/Landscaping, for Sea Crest Pines, Section 1A

**Resolution 2020 – 263**

Authorizing the request for release of Monument Bond for Sea Crest Pines, Section 1

**Resolution 2020 – 264**

Awarding bid for sale of property, Block 129 Lot 6, 80 Pennsylvania Avenue

**Resolution 2020 – 265**

Appointing Crossing Guards for the 2020/2021 school year

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

**Second: P. Pipi**

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

• **Items of discussion by Committee members:**

Committeeman Novak: Public Works demolition project, contractor pay certificate, project completed in a professional and timely manner

**Resolution 2020 - 265A Added to agenda**

Authorizing Contractor Pay Certificate #1, Final, to Two Brothers Contracting, Inc., for the Public Works Building Demolition project, pending submission of Maintenance Bond and approval of the project engineer

**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

**Resolution 2020 – 266**

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

**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

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

**Abstention List September 1, 2020 Township Committee Meeting**

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

Mayor Novak:    2020-243 Vendors #00118, 00148, 00513, 02400 \_\_\_\_\_

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