

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

**TOWNSHIP COMMITTEE MEETING MINUTES  
APRIL 2, 2012, 6:30 PM**

1. Call to Order
2. 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:
  - a. By publication in the required newspapers of the date, time and location of this meeting more than 48 hours in advance.
  - b. By posting advance written notice on the official Bulletin Board in the Municipal Building.
  - c. By filing advance written notice with the Township Clerk for the purpose of Public inspection.

**ANNOUNCEMENT:** At this time we ask everyone to please turn all cell phones or pages to either **OFF** or **VIBRATE**.

3. Roll Call of Officials Present:  
Committeeman Lisella - Present  
Committeeman Morano – Present  
Committeeman Melchiondo - Present  
Deputy Mayor Bille - Present  
Mayor Cirulli – Present

4. Salute to the flag led by Mayor Cirulli

Proclamation for National Library Week April 8 – April 14, 2012

**Resolution 2012-205**

Resolution authorizing the Township Committee to retire into closed session for the purpose of discussing personnel, public safety, contractual and litigation matters.

**Motion to table resolution: L. Morano**

**Second: A. Bille**

**Roll Call: Lisella: Yes**

**Morano: Yes**

**Melchiondo: Yes**

**Bille: Yes**

**Cirulli: Yes**

5. Mayor's Report  
Read and made a part of these minutes
6. Committee Reports

M. Lisella – Productive meeting with state regarding reforms to the property tax system. Looking forward to working with the state on correcting this problem.

L. Morano – Saturday and Sunday summer concerts at Municipal Dock starting June 30<sup>th</sup>.

J. Melchiondo – Walked in the Little League parade and threw out the first pitch of the season. Chamber of Commerce business: Town Wide Yard sale April 28<sup>th</sup>. Farmer's Market starts in June, County Connection bus will be there one Thursday a month.

A. Bille – Also attended the parade and threw out a first pitch for the Little League.

Administrator's Report – Discussed concept of the property tax meeting with the state commissioner. Reforms they will consider; increase the physical inspection requirements, and giving the authority to the local Tax Assessor to make necessary changes in a timely manner to keep assessments current. Bond rating affirmation: Barnegat received an A1 rating. It is critical that we maintain our quality bond rating; many towns in NJ have not been able to do so, due to the economic downturn. Explained resolutions and ordinances contained on this agenda.

***Motion to open Public Comment: M. Lisella  
All are in favor***

***Second: L. Morano***

Bill Bamber – FieldTurf Sports Company: Regional Sales Manager offered background on the turf field in excellent condition laid about 6 years ago, removed as part of a renovation project at the field this field will get a minimum of five years on the youth field. Offers to answer questions from the public:  
Frank Pecci – 11 Hemlock Drive: asks about a Federal Law suit about too much lead in the field materials. Bill: This Company is not involved in that law suit; it is regarding an older product called AstroTurf made of nylon, which did contain some lead for the coloring in the nylon fibers. Our product is made from polyethylene and does not contain lead. We receive an MSDS stating it does not contain lead.

Vince Green – After five years what does it cost to remove and where does it go? Bill: It will go to the landfill, and costs about \$1 per square foot for labor to take it up for a private contractor.

Marianne Clemente – what is the maintenance regimen? Bill: it needs to be groomed about every six – eight weeks, taken care of by Mr. Cotton with a machine made for grooming turf. Penn State did a study if MRSA could live in these fibers, and it could not this study is published.

Rose Jackson – what is the maximum temperature on a sunny day? Bill: The field will be 15-20 degrees hotter than the ambient temperature. The nylon fields get hotter; this product does not get as hot.

Jake Taylor - It will cost \$100,000 to remove? Bill: Yes, it is about 100,000 sq ft field. What is with the warranty from the original time put down, six years ago by

the Naval Academy is the warranty period up now that it is eight years? Bill: Yes.  
 Jake: Does your company have any lawsuits against your turf? Bill: No, not one,  
 we have over seven thousand surfaces in the ground, over the last fourteen  
 years we have not been sued regarding condition of field.  
 Joe (?) – What did the Naval Academy replace this field with? Bill: it is crumb  
 rubber; all seven thousand FieldTurf fields are crumb rubber.

Marianne Clemente – 565 E. Bay Avenue: not happy she was not allowed to ask  
 another question regarding the turf.

Rose Jackson – 12 Marblehead Place: wants to verify the accuracy of questions  
 about the reassessments, do homes bordering W. Bay Ave get a break on  
 assessments? Admin: there are many factors that go into the assessment of a  
 property that the Assessor takes into account on the process. You should talk to  
 the local assessor about a particular property. Township committee's procedure  
 on policy issues, when a bond is released is the Homeowners Association  
 notified? Attorney: we have been in contact with your HOA about this issue.  
 This bond was released in order to resolve the basin issues since the  
 bankruptcy. Rose: we have been talking about the bonds, yes, but this is not an  
 issue we would have approved since the basin is not working properly. Al: Any  
 time you want to come and talk about the bonds please call and we will resolve it  
 to your satisfaction.

Jake Taylor – 106 Newark Road: Regarding a letter to Zoning Board from  
 Township Administrator had incorrect information; advisements to the Zoning  
 Board should be done under sworn testimony.

Frank Pecci – 11 Hemlock Drive: Regarding Res. 2012-212 on this agenda.  
 Admin: responds by explaining the content of the resolution. Res. 2012-218 on  
 this agenda, John Hess responds that property was sold and new owner posted  
 bonds. Res 2012-223 on this agenda, Mayor responds that we are replacing  
 broken, outdated equipment. Regarding COAH property sidewalks: John Hess  
 responds that approvals go with the property and all successors or assigns as  
 per the law. Whoever builds the property has to comply with installation.

Angelo Mureo – 8 Creekview Road: Hands out copies to audience of  
 correspondence he sent to the Governor regarding tax assessments, read and  
 made a part of these minutes.

***Motion to close Public Comment: L. Morano                      Second: A. Bille***  
***All are in favor***

## **7. New Business:**

### ***Ordinance 2012-13 (First Reading)***

An Ordinance amending and supplementing Chapter 55 of the Land Use Code  
 in particular Section 55-181.2 entitled "Division 2: West of the Parkway

**Motion to introduce Ordinance: M. Lisella      Second: A. Bille**

**Roll Call:    Lisella: Yes              Morano: Yes              Melchiondo: Yes**  
                   **Bille: Yes                      Cirulli: Yes**

**Ordinance 2012-14 (First Reading)**

An Ordinance amending Part II of the Codified Ordinance entitled "General Legislation" to amend Section 70E entitled "Containerized Yard Waste"

**Motion to introduce Ordinance: J. Melchiondo      Second: A. Bille**

**Roll Call:    Lisella: Yes              Morano: Yes              Melchiondo: Yes**  
                   **Bille: Yes                      Cirulli: Yes**

**Ordinance 2012-15 (First Reading)**

An Ordinance amending Part II of the Codified Ordinance entitled "General Legislation" to amend Section 70F entitled "Containerized Yard Waste"

**Motion to introduce Ordinance: M. Lisella              Second: A. Bille**

**Roll Call:    Lisella: Yes              Morano: Yes              Melchiondo: Yes**  
                   **Bille: Yes                      Cirulli: Yes**

**Approval of Minutes** for the Regular Township Committee Meeting of March 19, 2012 Closed Session Meeting Minutes of February 6, 2012, March 5, 2012 and March 19, 2012

**Motion to approve Minutes and hold Closed Session Minutes until**

**Litigation is settled: J. Melchiondo                      Second: L. Morano**

**Roll Call:    Lisella: Yes              Morano: Yes              Melchiondo: Yes**  
                   **Bille: Yes                      Cirulli: Yes**

**8. Formal Action Agenda**

**Resolution 2012-206**

Resolution authorizing payment of Bill List in the amount of \$764,281.98

**Motion to adopt resolution: M. Lisella              Second: A. Bille**

**Roll Call:    Lisella: Yes              Morano: Yes              Melchiondo: Yes**  
                   **Bille: Yes                      Cirulli: Yes**

**Resolution 2012-206A**

Resolution authorizing a change fund in the amount of \$50.00 for the Parks and Recreation Department

**Motion to adopt resolution: J. Melchiondo              Second: A. Bille**

**Roll Call:    Lisella: Yes              Morano: Yes              Melchiondo: Yes**  
                   **Bille: Yes                      Cirulli: Yes**

**Resolution 2012-207**

Resolution authorizing Emergency Temporary Appropriations for the Current Fund

**Motion to adopt resolution: J. Melchiondo**

**Second: A. Bille**

**Roll Call: Lisella: Yes**

**Morano: Yes**

**Melchiondo: Yes**

**Bille: Yes**

**Cirulli: Yes**

**9. 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, this item will be removed from the Consent Agenda and will be considered separately.

Approval of Joshua Doles and Dominick Zadera for the Barnegat Volunteer First Aid Squad

Approval of Michael Arena for the Pinewood Estates Volunteer Fire Company

Approval of April 28, 2012 for the Town Wide Yard Sale and waiving the Township Yard Permit and Fee for that day for participants in the Chamber of Commerce Event

Approval of a Texas Hold'em Tournament of Poker for the American Legion #232, John Wesley Taylor on June 1, 2012

Approval of a Calendar Raffle for the Mariners Lodge #150 for the calendar year 2013

Approval of an On Premise 50/50 and an Auction on May 4, 2012 for the Cecil S. Collins School

Approval of East Coast Boat Racing Club of New Jersey to have a band at the Municipal Dock on July 8, 2012 from 2:00 PM until 4:00 PM

Approval of "July Race for Toes Freedom Race" on July 8, 2012 for a 2<sup>nd</sup> Annual Bike Rally for Kenny Cranmer starting at the Municipal Docks from 2:00 PM until 3:30 PM

Approval of a fundraiser Flea Market at the Municipal Dock for Cub Scout Pack 42 on Saturday, July 21, 2012

Approval of September 8, 2012 for Pirate's Day being run by the Barnegat Chamber of Commerce

**Resolution 2012-207A**

Resolution authorizing a refund of Premium Paid at Tax Sale on Block 100, Lot 10, also known as 16 Eighth Street

**Resolution 2012-208**

Resolution authorizing a refund pursuant to N.J.S.A. 54:4-3.32 on Block 114.66, Lot 15, also known as 141 Rockrimmon Boulevard

**Resolution 2012-209**

Resolution authorizing a refund of Premium Paid at Tax Sale on Block 114.57, Lot 10, also known as 28 Tara Court

**Resolution 2012-210**

Resolution authorizing the release of a Monument Bond to D & F Barnegat Developments, LLC for Lighthouse Crossing

**Resolution 2012-211**

Resolution authorizing the release of a Performance Guarantee to Meyer's Buy Rite Liquors for Site Improvements contingent upon the posting of a Maintenance Bond in the amount of \$3,329.00

**Resolution 2012-212**

Resolution supporting Legislation to permit Property Tax Assessment Adjustments and expand the role of the Local Assessor's Office

**Resolution 2012-213**

Resolution supporting the Employment Initiative Program of the New Jersey Employer support Guard and Reserves

**Resolution 2012-214**

Resolution proclaiming the Month of April as "Autism Awareness" Month

**Resolution 2012-215**

Resolution calling for the Restoration of Energy Taxes to Municipalities

**Resolution 2012-216**

Resolution Proclaiming April, 2012 as "Alcohol Awareness Month" in Barnegat Township

**Resolution 2012-217**

Resolution denying the release of a Performance Guarantee for Site Improvements for Freedom Hills

**Resolution 2012-218**

Resolution authorizing the refund of Escrow Deposits to Barnegat Building Associates, LLC for Lighthouse Village at Barnegat due to project being withdrawn

**Resolution 2012-219**

Resolution authorizing the refund of Escrow Deposits to Colony Bay Properties, LLC for Carriage Estates

**Resolution 2012-220**

Resolution authorizing the refund of Escrow Deposits to Golf Consultants, Inc. due to project being withdrawn

**Resolution 2012-221**

Resolution appointing members to the Planning Board Committee

**Resolution 2012-222**

Resolution authorizing the purchase of Extrication Equipment for the Barnegat Volunteer Fire Company under State Contract #A76396

**Resolution 2012-223**

Resolution authorizing the purchase of Thermal Imaging Equipment for the Barnegat Volunteer Fire Company under State Contract #A76365

**Resolution 2012-224**

Resolution authorizing the waiving of Water and Sanitary Sewer Fees for 67 Lexington Boulevard as property is inhabitable resulting from a fire

**Motion to Adopt Consent Agenda: J. Melchiondo Second: A. Bille**

**Roll Call: Lisella: Yes Morano: Yes Melchiondo: Yes  
Bille: Yes Cirulli: Yes**

**10. Motion to Adjourn: L. Morano  
All are in favor**

**Second: J. Melchiondo**

I, hereby certify that the foregoing minutes

Were formally approved by the Barnegat Township

Committee: Sharon L. Auer

Municipal Clerk

## OPEN LETTER TO THE GOVERNOR

8 Creekview Road  
Barnegat, NJ 08005  
Block 208.04/Lot 49  
March 29, 2012

Honorable Governor Chris Christie  
State of New Jersey  
Office of the Governor  
PO Box 001  
Trenton, NJ 08625

Dear Governor Christie:

Enclosed please find correspondence under the signature of Deputy Director Cheryl Fulmer of the Division of Taxation (Appendix A) we received on February 28, 2012 in response to our letter sent to your attention on November 4, 2011 requesting your intervention. We found the reply disturbingly tardy disingenuously riddled with a multitude of deficiencies.

While Deputy Director Fulmer was eager to blame the sudden increase on property taxes on local taxing authorities she was remiss to mention that her own Division per attached Approval for Reassessment of Barnegat Township (Appendix B) approved its implementation on June 30, 2010 under NJAC18:12A-1.14.

Deputy Director Fulmer's retreat to her Director's ratio and the coefficient of deviation in justifying the condition of Barnegat's assessment and valuation is little more than a smoke screen tactic. Ask any property owner and they will tell you the Tax Rate is the most important factor and Barnegat Township continues to be burdened with both the highest general and effective Tax Rate in Ocean County per 2011 Breakdown (Appendix C) despite a 2007 township reassessment, a 2010 illegal selective partial assessment and a 2011 hybrid reassessment.

The redistribution of wealth is NOT the role of government in a democratic society. The socialistic decision to approve a selective partial assessment in 2010 of a flat 10% reduction in property taxes and pander to four (4) senior developments while the majority of Barnegat Taxpayers foot the bill is flagrantly illegal and contrary to real estate assessment practices and principles of ad valorem based on fair market value. This Bail-Out approved by the Division of Taxation placed additional hardship on young families and those seniors alike who did not have the good fortune in residing in any of the four (4) shielded developments.

After 25 years of being a Barnegat homeowner, we filed our first Tax Appeal. Poorly managed Taxing Authorities have raised the property taxes on our 3 bedroom/2 bath home by 60% in just five (5) years with little improvement to our property and a cut in municipal services. We learned from our Appeal filed on February 29, 2012 that our home is over-assessed by \$84,400 when compared to immediate neighboring municipalities.



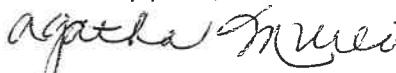
-2-

In an effort to halt any further dramatic deterioration of Barnegat real estate values attributed to the current economy and questionable judgment by Taxing Authorities we request the following for your consideration:

1. The implementation of a two (2) year townwide tax freeze to all Barnegat property owners with strict adherence to the Governor's "Tool Box" Tax Reform Program. Any approved increases should be subsidized from the budget of the Division of Taxation for their role in this property tax catastrophe.
2. The Intervention by the NJ Department of Education to conduct an audit of the Barnegat Board of Education with the intent and purpose to return immediately to Barnegat Taxpayers any excess surplus that exceeds State Department of Education Standards and Practices.
3. A comprehensive, fair and complete reassessment to include all township neighborhoods.
4. A moratorium on any further development until the \$621 million dollars of lost ratables have been returned to the tax role.
5. A State audit of all Tax Exemptions currently held and approved by the Office of the Township Tax Assessor.
6. The appointment of an independent prosecutor to investigate any wrong doing surrounding the 2010 illegal selective partial assessment and the full prosecution against those elected and appointed officials for their role in corrupting our community against each other on behalf of their own personal and political agenda.

Thank you for your time and consideration to this matter. We welcome the opportunity to meet with a member of your staff to discuss this in further detail. We may be reached at (609)698-5966.

Sincerely yours,



Agatha Mureo



Angelo Mureo

Attachments

CC: Michael Bryan, Taxation Director  
 ✓ Al Cirulli, Mayor  
 David Breedan, Township Administrator  
 Ellen Kelleher, Tax Assessor  
 Ocean County Board of Taxation  
 The Star Ledger  
 The Trenton Times  
 The Trentonian  
 Asbury Park Press  
 The Barnegat Leader  
 Times Beacon  
 Barnegat.Patch.com  
 The Philadelphia Inquirer

## TOWNSHIP OF BARNEGAT, NEW JERSEY

Mayor's Report - April 2, 2012

### PROPERTY ASSESSMENTS

On Thursday, March 22, 2012, the Township had it's second meeting with the Department of Community Affairs (DCA) regarding the property assessment system in New Jersey. At the meeting were DCA Commissioner Richard Constable, Deputy Commissioner Charles Richmond and DCA Chief of Staff Paul Macchia. Initially, we were told that we had only 30 minutes to make our case, but 90 minutes later, the meeting was still going on. I will allow Committee member Lisella and Administrator Breeden to provide greater detail, but needless to say, Barnegat Township is making an impact at the state level regarding reforms needed with the property assessment system.

In addition, the Township has also secured the support of the New Jersey League of Municipalities with our effort. The League was impressed with the work done by the Township on assessments and I feel confident that with the assistance of the League, that meaningful statewide change will be realized with the property assessment system in New Jersey.

### BOND RATING REVIEW

Over the past couple of weeks, the Township has been under a bond rating review by Moody's Investor Services. I am pleased to announce Moody's has affirmed the A1 bond rating of Barnegat Township. While many communities in New Jersey have seen downgrades of their bond rating, Barnegat has been able maintain it's quality rating despite the strained financial position caused by tax appeals. Maintaining a high bond rating during such challenging economic times is clear evidence that the Township is managing its fiscal affairs properly and we are heading in the right direction from a financial perspective. The Township's efforts of the past few years to stablize operating cost by reducing full time staff is paying dividends as acknowledged by Moody's. Under these economic conditions, maintaining bond rating is a significant accomplishment and I wish to thank Township staff for their hard work and dedication.

## NEW JERSEY DEPARTMENT OF PAVING GRANT

The New Jersey Department of Transportation (NJDOT) has awarded a \$230,000 Transportation Trust Fund grant to the Township for paving of six (6) roads in Settkers Landing section of the community. The roads in Settlers that will be improved are as follows:

1. Nautilus Avenue
2. Midship Drive
3. Mast Drive
4. Sloop Court

5. Sextant Drive
6. Transom Lane
7. Seaview Court

Since 2006, Barnegat has received over 1 million dollars in grant funding from the NJDOT for paving roads throughout the Township.

And in closing, I would like to wish everybody a Happy Easter and Passover.

Thank You

Al Cirulli  
Mayor, Township of Barnegat  
Monday, April 2, 2012

Closed Session Meeting Minutes  
February 6, 2012

***Discussion on Ocean Acres Litigation***

Greg McGuckin, Esq

2004 – 3 party agreement

Pine Snake Study

Rezoning of Ocean Acres – Preservation Area

McGuckin – If Township wins owe Walters \$250,000. Ord 2004 would be null and void  
Allow Walters to build

Walters will be able to develop area whether we win or lose

Well #9 coming on line Summer of 2012. Township has gotten Wells 5, 6 and 9  
for free. Connection fees will start coming in

Next month or so Township should hear from Grasso regarding requirements of  
this lawsuit.

Entire Committee was in agreement with this settlement

**Ocean County and Menk**

Will recover ¼ million in cash – balance owed will be in equipment from the  
County – Street Sweeper included in this agreement with County

Menk will never get money from them. Township will continue to go after Menk.

Entire Committee was in agreement with this settlement

Dispatchers contract has been resolved at a 1.9% increase beginning December, 2011

Respectfully Submitted: Sharon L. Auer, Acting Municipal Clerk

**Closed Session Meeting Minutes**  
**March 5, 2012**

Menk Litigation – Developer haven't paid for wells and tanks in Mirage and Fourth Street

County portion of County vs Menk Township will received \$250,000. in cash balance in fleet management

¾ of crawlspaces have been corrected in Mirage.

Township will not benefit from not adopting an ordinance for the Ocean Acres preservation area.

1. Walters will still be able to build
2. Non conservation lots

Need to add two (2) resolutions to agenda for tonight

1. Resolution 2012-171 – Authorize settlement with County of Ocean
2. Resolution 2012-172 – Authorize settlement with Mark Madison

Discussion on PBA contract – Committee would like to review contract and hold off on adding to agenda until March 19, 2012

Discussion on Public Works Contract – 1.95% for three (3) years – Committee would like to review contract and vote on March 19, 2012 meeting

**Closed Session Meeting Minutes  
March 19, 2012**

3 Department Heads – RIF – agreement with 1 has been accepted waiting on other 2  
EP lawsuit has been received by Township but not filed in any Court  
Union Rep seems practical  
Tenure has no bearing on Shared Services  
3 months pay – 6 months health care – Any accumulated leave pay

Committee all in agreement

Last meeting discussed PBA contract and said we would pass at this meeting.  
Maybe we should have the Chief attend next meeting and go into closed session or  
Captain Dugan if Chief is still out from his surgery.

Committee agreed they would pass PBA contract and Public Works Contract tonight

