

MAY 18, 2020

Mayor Susan R. Marshall called the regular meeting of the Tuckerton Borough Council to order on May 18, 2020 at 7:00 pm in the Borough Complex.

Provisions of the Open Public Meetings Act were complied with as notice was published to the *Beacon* and the *Asbury Park Press* stating the time, date and place of this meeting.

The following members of Council were in attendance: Keith Vreeland, John Schwartz, Sam Colangelo, Frank D'Amore, Mike Santo, Ron Peterson and Mayor Marshall.

Mayor Marshall led the salute to the flag.

Mr. Vreeland wanted to remind everyone that since limited jobs are opening up, please remember to be safe and wear the protective gear that is required.

Mr. Schwartz stated he was on a conference with the State for the 319h grant the Borough received for Lanyard Lagoon and this project should begin its infant stage of planning and design very soon. He also stated the revetment project on Little Egg Harbor is on track to begin as of July 1st because the Borough will be sending their portion of the cost to the State.

RESOLUTION #109-20

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING PAYMENT OF
CLAIMS**

Mr. Schwartz moved, second by Mr. Vreeland that Resolution #109-20 be approved authorizing payment of claims in the amount of \$719,098.99. It was so moved by the unanimous consent of Council.

RESOLUTION #110-20

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING AN EMERGENCY
APPROPRIATION IN ACCORDANCE WITH
N.J.S.A. 40A:4-20**

Mr. Schwartz moved, second by Mr. Vreeland that Resolution #110-20 be approved as read. It was so moved by the unanimous consent of Council.

MAY 18, 2020

RESOLUTION #111-20

RESOLUTION OF THE BOROUGH IN THE COUNTY OF OCEAN, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51

Mr. Schwartz moved, second by Mr. Vreeland that Resolution #111-20 be approved as read. It was so moved by the unanimous consent of Council.

ORDINANCE #7 OF 2020

REFUNDING BOND ORDINANCE OF THE BOROUGH OF TUCKERTON, IN THE COUNTY OF OCEAN NEW JERSEY, PROVIDING FOR THE FUNDING OF AN EMERGENCY APPROPRIATION OF THE BOROUGH FUNDING A JUDGEMENT AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$184,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$184,000 REFUNDING BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF

Mr. Schwartz moved, second by Mr. Vreeland that Ordinance #7 of 2020 be approved on first reading. It was so moved by the following unanimous vote: Yes-Vreeland, Schwartz, Colangelo, D'Amore, Santo, Peterson; No – none; Abstain – none; Absent – none.

Mr. Colangelo stated the document shredding is still scheduled in Eagleswood on June 20, 2020 and in Stafford July 11, 2020. Please also remember to call for bulk pick-up.

RESOLUTION #112-20

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO WHEL-TECH, INC. FOR CONTROL SYSTEM SERVICES FOR ELEVEN PUMP STATIONS THROUGHOUT TUCKERTON BOROUGH

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #112-20 be approved as read. It was so moved by the unanimous consent of Council.

Mr. Santo moved, second by Mr. D'Amore that the minutes of the meetings of April 22, 2020 and May 4, 2020 be approved as presented. It was so moved by the unanimous consent of Council.

MAY 18, 2020

Mr. Colangelo moved, second by Mr. Schwartz that the meeting be opened to the public.

John Zmich, 71 Little Egg Harbor Blvd, stated he saw online the bids for the revetment project came in at \$382,000 and the Borough is borrowing \$175,000 25% of that number is \$525,000, can someone please explain why the Borough isn't doing 25% of the base bid? Also John Schwartz was quoted last meeting as saying the State may not have their share of the cost, but he spoke to someone at NJDEP and he was advised that the state had the funding allotted before the Borough did, I am not understanding.

Mr. Schwartz stated he, Jenny, Sam Colangelo and Greg Kuri attended a conference call and at that time it was stated that they needed to speak to the CFO of NJ about the additional funds and they may or may not get approved for the additional funds, he also explained that the number Mr. Zmich has does not include soft cost.

Mr. Zmich stated that the website he is looking at itemizes everything down and asked why the engineer is getting big check?

Mrs. Gleghorn explained the estimate for the bond ordinance always uses 10% of the bid for engineering fees.

Ann Marie Sweeney, 600 South Green Street, followed up with Mr. Zmich that she does not understand why Mr. Schwartz made the comment that the project will cost \$525,000 when the bids came in at \$382,000, she further went on to say that the comment Mr. Schwartz made about unforeseen attorney fees for the Cherry case is not true either. She had spoken to Mr. Connors months ago and he knew that the town would most likely have to pay for the attorney fees, so please don't act like this is a surprise and that you hadn't known. She further stated that between the \$525,000 spit of land and \$184,000 of attorney fees comment she feels Mr. Schwartz should not lie and simple say I don't know.

Mr. Schwartz stated he does not remember ever making the comment that the stone revetment project cost was \$525,000, he will have to look into that because he really doesn't remember saying that.

Mrs. Sweeney stated it was also published in the paper by Pat Johnson.

Mr. Connors said he did say that the statute states the town is responsible for the attorney fees, however, they are allowed to refer the attorney fees to the insurance company for determination and since the judgement just came down that the town is responsible for the attorney fees and not the back pay this is the reason for the emergency appropriation, he further stated he has always been truthful to Mrs. Sweeney.

Pat Johnson, The Sandpaper/Leader stated the \$525,000 was her using arithmetic to get the figure she printed in the paper and that it was not from Mr. Schwartz.

MAY 20, 2020

John Zubrinski, 707 South Green Street, stated he read an article from the last Council meeting that the governing body did not talk or respond at all and that they rely on the employees and he feels that is not how government works. What if something were to happen to Jenny Gleghorn and she cannot do her job anymore who would know anything; how much money is allotted for streets and roads in our budget, maybe the town needs to declare bankruptcy.

Mayor Marshall stated the jobs of our professionals is to put the budget together and the Mayor and Council review it with the professional.

Mr. Schwartz stated the budget has \$24,000 in streets and roads OE.

Frank Provenzano, 385 Kingfisher Road, stated he was mis-quoted in the Sandpaper he said the Council should put together a committee to look at Public Works shared services with Little Egg Harbor and where are we with that?

Mr. Colangelo explained he is doing research on all the information for shared service; he has some information already on out sourcing trash collection, but he finding in his research that outsourcing and shared service does not work for everyone and if you go that route you give up control and cannot do anything about it. He is finding that in the beginning you may see a savings but after the initial contract the price is inflated a huge amount and there is nothing the town can do about it at that point, but once he gets it all together he will report back with his findings.

Dave Schlick, 81 Dolphin Road, asked why we are surprised about the Cherry case, he is asking for clarification on the five minute rule and who can talk during the minutes because Council uses up the time answering the questions and feels this is not fair. He also asked have we furloughed any workers at this time and as for the shared service Mr. Colangelo can look back at the amount for when Tuckerton used Little Egg Harbors truck, but also look at Eagleswood and New Gretna. He is disappointed that some of Council and Jenny still don't have video cameras he feels Council should be seen and not just heard at these meetings.

Mr. Vreeland explained he was driving at this time and cannot be on camera, and if there had been a meeting in person he would not be able to attend because of an emergency personal issue.

Mrs. Gleghorn explained that Mr. Colangelo is trying to pull together figures that show what is really spent on just trash collection because that is not the only thing that Public Works does, for example one guy in the morning is picking up trash but in the afternoon he is working on cleaning a sewer pump station. The Borough has a Public Works and Water and Sewer Department and all the men are laborers and are trained to do all aspects of the jump so in order to show if there is any cost savings by outsourcing trash collection the town has to consider that employees are not just trash collection.

MAY 18, 2020

Mr. Connors explained that the question on 5 minutes is a reasonable questions and the residents should have all 5 minutes to speak and not be interrupted, but it is not a legal question, it's more of a policy that Council has the right to do and it's their call.

Mrs. Gleghorn explained there has been no furloughs.

Carolyn Keen, 84 Curlew Road asked that in the past the Borough had budget meetings open to the public, do you think in the future the town would consider having them again, she also was a little disappointed in the Mayor because she kept saying at the last meeting thank you for your opinion, but they were not opinions they were facts and suggestions that she didn't even take into consideration after hours of research done by many people. She also asked where funds from the 2019 budget go and if Mr. Colangelo would like some help with looking into Shared Services she would be more than happy to volunteer because at the end of the day she wants this town to be great.

Mr. Loesch, CFO explained the money left from the 2019 budget goes into a reserve to pay any bills that are presented for payment in January/February/March 2020 and anything after that goes into surplus which offsets the next year's budget.

Mayor Marshall stated that not one person called the offices prior to this meeting to ask any questions.

Jim Martinelli, 350 Kingfisher Rd, asked what the 2, 5 and 10 year plan for the Borough to dredge and what will happen if the dredging is not done this year because it needs to be done sooner rather than later because costs rise.

Mr. Loesch explained there is a capital plan listed in the back of the budget but since the Borough was unsure where the funding is coming from that was not placed in the plan because the plan indicates projects that are funded through bonds, grants, etc.

Mrs. Gleghorn explained the Borough has obtained the permit from both the NJDEP and the Army Core of Engineers to dredge and remove the sediment to a place that has been approved which has cost the town \$30,000 plus just for the permits and the town will not waste that money. The permit she believes expires in 2024 so the project needs to be done before then, but the problem right now is getting funding and not raising taxes a huge amount.

Paula Bell, 81 Dolphin Road, stated the Borough adopted an ordinance for tax abatement in the beginning of the year; she asked who qualifies for the abatement, is it only for commercial properties, what is the percent of savings over the five years, who looks over the application, who approves the application, and what were some of the most recent abatements.

Mrs. Gleghorn explained the governing body is approving authority and the improvements have to meet a certain percent and other requirements in order to qualify.

MAY 18, 2020

The agreement specifies the breakdown of the taxes paid on the improvements which is done by percentage where the 5th year you pay 100% and the last two applications were DeMarco Family Dental and the Village Stores on Route 9.

Linda DiGuilio, 406 Brigantine Terr, stated there has been signs placed throughout town with inappropriate language on them and she is asking for help with removing these signs because of the language and nothing else.

Mayor Marshall stated she has Mr. Connors looking into this matter and will see what we can do because it is inappropriate.

Phil Stately, 164 Flamingo Road, stated it is unacceptable that with today's software Council cannot be on camera during these meetings, he also asked why the Mayor and Council were so smug at the budget meeting and did not take into consideration anything that was presented. They wouldn't postpone the vote to look at anything, they just voted yes. The idea of a shared service for Public Works and having a committee should be really considered, we need to be advised on what is happening. Every tax payer should know how to get onto the meetings and get their opinions on record even if it goes through fallen ears.

Jeff Peterson, 24 Anglers Road, asked just recently the Borough inspected bulkheads and some are not being maintained by property owners, what is happening with those bulkheads.

Mr. McAndrew explained the Borough is aware of the bulkheads that are not being maintained and there is certain protocol that has to happen before fines are issued and most of the bulkheads are in that process.

Peter Gioiello, 358 Kingfisher Road, asked what is the time for dredging permits, what is the Lanyard Lagoon grant, how come Nixle is not being used for the Council meeting notifications and can the Borough put liens on properties.

Mrs. Gleghorn explained she believes the permit expires in 2024 and we can ask for extensions just the stone revetment project, Lanyard Lagoon was a grant awarded for approximately \$300,000 to fill in and make a living shoreline/bulkhead, but the project is on the Fish and Wildlife property and will need the approval from them. Furthermore, Nixle is not used because that is text messaged and emailed to a vast amount of individuals and the Sheriff's Office has warned the towns about allowing access to these meetings because of hackers. She stated that just recently Zoom had 500,000 individuals who were compromised because of hacking into the schedule meetings and the town does not want that to happen. If the meetings were in public forum (person-to-person) a Nixle would be fine because you would be unable to hack into a software program.

MAY 18, 2020

Jamie Gross, 115 Curlew Road stated there was a cone covering a sinking manhole on Curlew Road and now it is gone, is there any news on Curlew Road and can there be temporary fixes for now on Curlew. She also asked the material that came from Lanyard Lagoon is that going back.

Mr. Schwartz said at this point in time we do not know where the material is going we just know that it is a grant to restore the shoreline.

Mrs. Gleghorn explained that the town put in this grant with three options one being to continue the restoration/stone revetment on Little Egg Harbor Blvd, two being restore the beach area down on South Green Street, and three was Lanyard Lagoon the NJDEP choose to fund the Lanyard Lagoon option and as for Curlew Road, the project has been approved by NJIB for the sewer portion and the water portion is going to have to go through the USDA to be funded which we are working on now. Mrs. Gleghorn will also talk to Public Works for any temporary fixes.

Michael Vermandel, Curlew Road stated he cannot get to his house when the road is flooded are the plans to raise Curlew Road.

Mrs. Gleghorn explained the plan is to crown the center of the road.

Eugene Olivant, 104 Curlew Road, asked is the revetment project still going to start July 1st and how long has this project been going on.

Mr. Schwartz stated yes it is set to begin around July 1st and that the project has been going on for 6/7 years because of the easement issues with a land owner.

Chris Larson, 399 Kingfisher Road, asked at what point is the Borough going to bring in real professionals to put dredging together, and what is the harm of starting to budget for the down payment now or put a line item together and accumulate that money for a couple of years.

Mrs. Gleghorn explained we have a professional engineer already that is Owen Little and Associates who has already done all the work for planning and design, have obtained the necessary permits and rights. The only thing holding up the project is the funding portion. The Borough was denied a loan from the NJDEP and NJDOT is looking into dredging projects but not until 2021, and since she would not like to see a special assessment it would be cost effective to see those loans because a down payment is not required to be placed in to the current budget causing an enormous tax increase. The residents of the Borough will see a cent increase in taxes for every \$40,000 that is raised in the budget and since the dredging would need a \$350,000 down payment that would kill residents in town. There was a comment about other towns and any other town that has done dredging of private lagoons have been done through special assessment and right now Tuckerton doesn't want to look that way and if we wait until 2021 we may have an answer for borrowing the money from the NJDOT.

MAY 18, 2020

There being no further comments or questions, Mr. Colangelo moved, second by Mr. Vreeland that the public portion of the meeting be closed. It was so moved.

Mr. Colangelo moved, second by Mr. Vreeland that the meeting be adjourned. The motion was unanimously approved at 9:03 pm.

Respectfully submitted,

**JENNY GLEGHORN, RMC
BOROUGH CLERK**

Approved:

**SUSAN R. MARSHALL
MAYOR**