

JUNE 20, 2023

Mayor Susan R. Marshall called the regular meeting of the Tuckerton Borough Council to order on June 20, 2023 at 7:00 pm.

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, Brian Martin, Sam Colangelo, Frank D'Amore, Mike Dupuis, Sr., Ron Peterson and Mayor Marshall.

Mayor Marshall led the salute to the flag.

ORDINANCE #7 OF 2023

**ORDINANCE OF THE BOROUGH OF TUCKERTON
COUNTY OF OCEAN STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF A TAX
ABATEMENT AGREEMENT WITH DOMINICK
CORAZZA & MADLYN MIGNONE FOR ADDED
IMPROVEMENTS TO BLOCK 16, LOT 20**

Mr. Vreeland moved, second by Mr. Colangelo that Ordinance #7 of 2023 be approved on first reading. The second reading and public hearing will be on July 17, 2023. It was so moved by the unanimous consent of Council.

Borough Council has a discussion on Cannabis retail in Tuckerton and putting a referendum on the ballot in the general election to get the residents opinions.

RESOLUTION #115-23

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

Mr. Martin moved, second by Mr. Vreeland that Resolution #115-23 be approved authorizing payment of claims in the amount of \$34,272.10. It was so moved by the unanimous consent of Council.

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RESOLUTION #116-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A CHAPTER 159 FOR THE FY 2023 ALCOHOL EDUCATION DWI ENFORCEMENT FUND GRANT IN THE 2023 MUNICIPAL BUDGET

Mr. Martin moved, second by Mr. Vreeland that Resolution #116-23 be approved as read. It was so moved by the unanimous consent of Council.

RESOLUTION #117-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A CHAPTER 159 FOR THE NEW JERSEY STORMEWATER ASSISTANCE GRANT IN THE 2023 MUNICIPAL BUDGET

Mr. Martin moved, second by Mr. Vreeland that Resolution #117-23 be approved as read. It was so moved by the unanimous consent of Council.

Mr. Colangelo stated that Public Works will be closed Tuesday, July 4th and trash pick UP will be picked up a day later than usual.

Mr. Colangelo thanked Atlantic City Electric for removing some of the trees down by the Veterans Memorial Park.

Mr. Colangelo also gave an update on the rehabilitation on Wells #3 and #4.

RESOLUTION #118-23

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO CANCEL EXCESS WATER AND SEWER CHARGES FOR THE YEAR 2022 & 2023

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #118-23 be approved as read. It was so moved by the unanimous consent of Council.

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RESOLUTION #119-23

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZE THE TAX
COLLECTOR TO REFUND**

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #119-23 be approved as read. It was so moved by the unanimous consent of Council.

Mr. D'Amore stated that it is turtle nesting season and be careful when cutting your grass. He also stated that it is the homeowner's obligation to cut the grass before code enforcement has to come out.

Mr. Dupuis motioned, second by Mr. D'Amore to approve the minutes of the meetings from June 5, 2023 as read. It was so moved by unanimous consent of Council.

RESOLUTION #120-23

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING A REFUND OF AN
OVERPAYMENT OF A ZONING PERMIT FEE TO
JAMES MATHEOS**

Mr. Dupuis moved, second by Mr. Colangelo that Resolution #120-23 be approved as read. It was so moved by the unanimous consent of Council.

Mr. Peterson read the Monthly Police activity report for May of 2023. A copy of which will be on file in the Municipal Clerk's office for public inspection.

Mayor Marshall stated that she wants to have a moment of silence for Harry Disbrow next meeting and is sorry for the family.

Mr. D'Amore motioned, second by Mr. Vreeland to accept Joanne McAndrew resignation from Pride and Celebration Committee with regrets. It was so moved.

Mayor Marshall reminded everyone that the Borough will be going to one meeting a month for the July and August meeting.

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RESOLUTION #121-23

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING THE RENEWAL OF
LIQUOR LICENSES FOR THE 2023-2024
LICENSING YEAR**

Mr. Dupuis moved, second by Mr. Colangelo that Resolution #121-23 be approved as read. It was so moved by the unanimous consent of Council.

RESOLUTION #122-23

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, PROVIDING FOR AN EXECUTIVE
SESSION IN ACCORDANCE WITH THE
PROVISIONS OF THE OPEN PUBLIC MEETINGS
ACT.**

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #122-23 be approved as read. It was so moved by the unanimous consent of Council.

Mr. Peterson moved, seconded by Mr. Vreeland to approve a raffle license submitted by the Cervetto Club as well as waiver of fee. It was so moved. Mr. Dupuis abstained.

Mr. Peterson moved, seconded by Mr. Vreeland to approve a raffle license submitted by the Holy Spirit Church as well as waiver of fee. It was so moved.

Mr. Martin, 4th of July Committee, stated that the fireworks and parade will be on July 4th. The parade will start at 10am and the rain date for the fireworks will be July 8th.

Mr. Martin announced that they are bringing back the concerts at the Tuckerton Seaport on Fridays in July.

Mr. Martin, Dredging of East Side of Tuckerton Beach, stated that they do have the final soundings map that they just received today from the engineer and if anyone would like to look over the results he has a PDF.

Mr. Dupuis stated that there are openings on the Environmental Commission and believes it's important to get involved.

Mr. D'Amore reads a letter addressing the fire department and asks them to give back the fire house.

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Mr. Martin also reads a statement about the fire department and stated that the only ones keeping them out of service is them.

Mr. Colangelo moved, seconded by Mr. Vreeland to open the meeting to the public. It was so moved.

Anne Marie Sweeney, 600 South Green Street, thanked Council for their statements towards the fire house because she is usually the one getting the blame. She also stated that at the last meeting it was stated that Dale had a radio and he was facilitating a traffic stop and the lawyer said something different. She continued that the radio was from Forked River and that Lacey did not know why he had it and eventually recovered it. Moreover, Justin Way is not a taxpayer and should not be complaining at the meetings. She also questioned the fire departments tax exemption status because they have not been filing and you cannot use tax exempt funds for one individual.

Mrs. Sweeney also stated that it is funny that the Council stated there is no money for mailing out surveys when cannabis retail could help with that. She stated that the people in the state already voted to legalize it and that the town should be more worried about people drinking.

Mark, 137 Bass Road, stated that Bass Road is in very poor condition and it's a very small road. He wants to know when it will be paved like it was promised 2 years ago. He also stated that 136 Bass Road's bulkhead is in really bad shape. He knows it was sold in 2011 and it hasn't been kept up in years. He stated that he spoke with code enforcement and that Mr. McAndrew is aware of the problem but nothing has been done. He continued that if the ordinance was enforced, the owner would be getting a \$500 fine per day.

Mrs. Gleghorn stated that the Borough got a grant to go out to bid for the road paving in the next couple weeks but she is not sure when the actual project will start. She thinks it will be this year because the grant has a timeline.

Mr. McAndrew stated that he finally got the mailing address for the property in question to get in touch with them about the bulkhead and there is a procedure they have to follow.

Kenneth Hagerman, 141 Bass Road, stated that they have been waiting for 2.5 years for the paving of their road and it should not take this long. He also stated that there is a ton of garbage outside the house across the street from them and Public Works will not pick anything up and he expects better.

Mrs. Gleghorn asked for the address to notify Public Works, but if it is a clean out, the town won't take it and they will get violations.

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Robert Challender, 68 Edgewater Drive, stated that he heard there might be a new road entering into fairway drive and he suggested putting parking for the veteran memorial park there.

He also stated that he believes that he does not believe that dispensary would cause a traffic issue. He thinks that if the Walmart did not make more traffic he doesn't think a small dispensary will and the rt. 9 traffic is already bad. He continues and states that he knows that the bigger beach towns are cracking down on cannabis and alcohol but he does not think that Tuckerton has the same problems as them.

Finally, he stated that putting the cannabis question on the ballot as a referendum is a good idea because not everyone in town comes to the council meetings and knows what is going on and this way everyone will be able to vote.

Paul Solimani, 20 Edgewater Drive, stated that there is a new pothole at the Paradise Cove entrance.

He also stated that he got a response back from the State about the dredging of Thompson's Creek and they have put the responsibility back on the town and he thinks that the whole town should pay for it.

Mr. Solimani stated that cannabis is already here and the town just needs to control it.

Finally, he stated that if there is going to be another entrance to Paradise Cove and there should be a light to help with traffic.

Charles Hudson, 2 JFK Boulevard, stated that as far as the vote for Cannabis across the state and locally, Tuckerton was 64% yes and Little Egg Harbor was 63% yes.

Kaylyn Ullman, 239 South Green Street, stated that she is frustrated for the company that has been here every meeting trying to push the cannabis issue and they are waiting for answers. She stated that she has been trying to get more involved and is slowly learning how local government works. She continued that we have to use grants for almost everything and she thinks cannabis would be another good source of income.

Dale Eggert, Tuckerton Fire Company No. 1, stated that his attorney Ellen McDowell talked to Sen. Connors asked to have a sit down with delegates from each party to discuss the situation and that they should reach out to Amanda to set it up.

Dale Eggert, 129 Railroad Ave, stated that the transcript of his trial is out and it shows the Don Nelson lied. He agreed with Mr. Martin that everything is black and white and wants to get everything straightened out. He continued that this situation is having a ripple affect all over Ocean and Atlantic county and that Mr. Nelson is not welcome to a lot

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of fire companies in Atlantic County. He stated he will bring in the transcript to make copies for Council and they should focus on day 3. As a citizen he is frustrated and cannot imagine what the residents are going through right now. He stated that the people of the town are suffering and that the fire department has helped some of the people on Council.

Mr. Eggert also stated that the fire company is a 501C3 and that they also use the money for scholarships, etc.

Mr. D'Amore stated that the Borough cannot move forward without the proper documentation from the fire department.

Mr. Eggert stated that he believes that the transcript should be a legal document.

Sen. Connors stated that it's not a legal document in the fact that it was not from the State itself. He also stated that he cannot speak to Mr. Eggert directly because he has an attorney but he explains to the public that the transcript has to do with the court that is reviewing Dale's certification revocation appeal and the Borough has nothing to do with that. He stated that the document they should be focusing on is the terms and conditions the Borough sent to the fire company and their attorney to reinstate them. Sen. Connors reviews the document in full.

Mr. Eggert stated that he did not read any of Mrs. McDowell's responses to the document and that Sen. Connors is being sneaky.

Sen. Connors stated that to move forward they will need to sign the agreement not read the transcript and that anyone that wants a copy can have it.

Lee Eggert, 121 Willow Terr. & Tuckerton Fire Company, first I would like to say he takes exception to almost everything Mr. Martin said one of the big problems with the Mayor and Council here is that ever since this thing happened not one of you has spoken to any of us. Your lawyer tells you not to answer questions, whatever. This letter came out from the State and it was read at a meeting that left out parts with our names in it and everyone agreed. No one came to get our side of the story, to find out what were really facts, if you want to do that you can do that, to find out we aren't really safe and insurance companies, etc. Now, like I said our names are in the letter, the attorney didn't read them when he read the letter here that night last year. Our lawyer first read that letter after you wouldn't talk to us after an email request. I don't think Mr. Connors did his due review and looked into the facts personally, in my opinion. Two weeks later, I don't know if all of you are aware of this or if it was a back door deal or what but it came out in the trial also. Two weeks we were taken out of service there was allegedly a meeting at Dasti's law office up in Connors office with Borough officials, Don Nelson and Mr. Connors, was there?

Sen. Connors stated that it's possible.

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Mr. Eggert continued and stated okay, it's possible and that the result of that meeting was Mr. Nelson for the State who wrote the letter contacted a mutual friend of ours that afternoon that brought back the message, well if Lee Eggert Sr. leaves the fire company just goes away and becomes a life member and Dale Eggert resigns officer and lays back and doesn't do anything and Lee Eggert Jr. resigns from the fire company because he does not live in town we will reopen the fire company. Fire Company had a meeting that night, no way, we all voted unanimously, no way that's going to happen. That was a pretty lowlife back door type deal as far as in concerned. So are we out because of safety or because Lee Eggert, Lee Eggert, and Dale Eggert are members of the fire company. If they go, then we can reopen. That's what we got out of that. Then we fast forward to the deal with the accident in July. Dale goes there, we are out of service with the fire company, he has radio hes allowed to have the fire company has control of the radios they loaned it to us, they said keep it cause he was the leader. Dale Eggert had a radio, the fire chief sent a letter, we have a letter he was allowed to have the radio. Dale saw a possible dangerous situation on North Green Street where a traffic light was out from another accident, so all we know is that Jenny made a call to Forked River, we know Frank D'Amore got a hold of Don Nelson from the state, we know that that Tom McAndrew got a hold of the County and whoever else and came out with this lie and not one person, not you or anyone else, said hey Dale what's the story with this. It's obviously all a hit job. If that's the way it's going to be, that's the way it's going to be but I don't blame him for getting mad at you. He has been under a lot of pressure with a lot of this stuff. Yea, I saw the transcript and it's going to come out and a decision is going to be made things are going to happen and that's all there is to it. But when you said about the deal with the letter from the town about going back in service, the one big thing that we can't do is this deal with 50%, every member has to make 50% of the fire calls. Show me a fire company that does that. The state, our ordinance says 60% but that's probably with fires and drills. The State has lowered their standards to about 30% and you can't even have 30% at night or day shifts if you want because in our town a majority of calls are during the day time and unless we work in town, like my son and I do, and have are car and don't go a lot of places, yeah we make 80% of calls but no one else is going to make 50% of fire calls and the State also counts the drills in there. So, whoever is giving you information to put on these letters is totally out of whack and reality. And we do not have any problem with all the recommendations you read, except that the percentage requirement and the paperwork requirement. Because we have always had a liaison from the Borough that record are meetings and notify of our meetings until Frank came along. Up until then everything was fine. We had meetings now when we have to do all these reports on a monthly basis, who I going to do the paperwork. All your borough committees have a paid secretary to take notes. I don't know what happens to the minutes but we are required to do this and this and send it off in a certain time limit and were volunteers. We have to go out and do all sorts of training, answer calls, and take care of the fire house and everything else. It just an undue burden. There's no problem at all. Don't we give you our checkbook every year, every penny that's spent? That's part of the deal, so there. We sent you are bylaws three years ago for him to check to tell us that they were good when we made our last change. We haven't changed anything. We don't have a problem giving you a copy. We gave one to Ellen, she can send you one if you ask her for it. We don't have a

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problem with you knowing what's going on with the Borough at all. We don't have a problem whatsoever with the Borough at all. We are open, we have no secrets. But no we are not going to try and recruit members when we have no idea if we are ever going to be open again. Why waste our time. Let me tell you a little story.

Mayor Marshall stated that his time is up and states that they are waiting for a letter saying that everything's been taken care of.

Mr. Eggert stated that's probably not going to happen.

Mayor Marshall stated that the fire company was given a set of things that Sen. Connors and that she has not gotten a response yet.

Mr. Eggert stated that he has a response, there has been a response. That's one reason why we propose, our attorney proposed, that we meet with the committee that you talked so bad about last year. We want to meet with a committee of people that are unaffiliated, like not Frank because you're a member, sorry that would be a conflict, and he is a liaison that we have a problem with. One of the other four Councilman, whoever you decide and her proposal is supposed to be something to the effect where we discuss things with you, work it all out. The lawyers can be sitting there listen and we can come to an agreement. Because we can't talk to you directly this has been going on for years.

Mayor Marshall stated that's what happens when you get lawyers involved.

Mr. Eggert stated we are upset. How as far as what someone said about the fire house. This is Lee Eggert, nobody else. As far as the fire house goes, I am totally opposed to cannabis, personally. But, if you guys are looking at it from a money stand point, certain people on the Council, it might not be a bad idea to sell the fire house to somebody since we don't need it for a fire house anymore, maybe cannabis lounge and everything else, maybe a big party house and there will be so much smoke coming out of the place everybody in town is going to be happy. I'm just joking with you. But look, can we not just talk like human beings here. Stop the harassment.

Mayor Marshall stated that Mr. Eggert's time was up and that he can talk to council afterwards if he would like.

Candice Johnson, 2 JFK Boulevard, wanted to reiterated that that 64.42% of residents in Tuckerton voted "yes" to legalizing marijuana not the State. She hopes that the next meeting will be positive.

Mr. Dupuis stated that he voted "yes" in the state election but that does not mean he want it in our town.

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Mr. Connors stated that Lacey also went through this and they had a majority yes vote in the state election but when it came to a vote on the local level it was defeated.

Dunkin Delino, Cannabis Attorney, explained the different types of Cannabis licenses. He stated that there is a real opportunity right now before more municipalities allow it. He continued that he is open for questions and has a lot of experience with other towns around the state that are in this process as well.

Elizabeth Obiedzinski-Garvin, 209 Cedar Street, stated that cannabis retail is a learning experience and there is already traffic. He likes the idea of going to a referendum and certainly hope they figure it out a way to do this.

He also offered to be an un-bias third party if they need someone to participate in the fire department meeting.

Garry Corriero, asked if they had a date for the Landyard lagoon project yet and wants to know what the difference between the Land Use and Zoning Board. He also wants to know how they are going to frame the vote if they choice to go to referendum.

Mr. Martin stated that hopefully the Landyard Lagoon project will start in September, and they have to finish by a specific time for nesting season.

Mr. Vreeland Stated that the Land Use Board is a combined Zoning Board and Planning Board of Adjustments. He also stated that if cannabis retail goes through. It will have to go through the Zoning Board to hash out the details.

There being no further comments or questions, Mr. Martin 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 9:07pm.

Respectfully submitted,

Approved:

JENNY GLEGHORN, RMC
BOROUGH CLERK

SUSAN R. MARSHALL
MAYOR