

SEPTEMBER 8, 2020

Mayor Susan R. Marshall called the regular meeting of the Tuckerton Borough Council to order on September 8, 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, Brian Martin, Sam Colangelo, Frank D'Amore, Suzanne Taylor, Ron Peterson and Mayor Marshall.

Mayor Sue Marshall led the salute to the flag.

RESOLUTION #144-20

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, APPOINTING STEPHEN TYLER
ADAMS AS A FULL TIME POLICE OFFICER**

Mr. Peterson moved, second by Mr. Vreeland that Resolution #144-20 be approved as read. It was so moved by the unanimous consent of Council.

Mayor Marshall swore in Officer Stephen Adams

RESOLUTION #145-20

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, APPOINTING MATTHEW JOSEPH
PEDRICK AS A SPECIAL SLEO CLASS II POLICE
OFFICER FOR THE BOROUGH OF TUCKERTON**

Mr. Peterson moved, second by Mr. Vreeland that Resolution #145-20 be approved as read. It was so moved by the unanimous consent of Council.

Mayor Marshall swore in Special Officer Matthew Pedrick.

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ORDINANCE #8 OF 2020

ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 255 OF THE BOROUGH CODE OF THE BOROUGH OF TUCKERTON ENTITLED “ZONING” TO ESTABLISH NEW ARTICLE XI ENTITLED “OUTDOOR DINING AREAS” SO AS TO PROVIDE FOR TEMPORARY USE PERMITS FOR OUTDOOR DINING AREAS

Mr. Vreeland moved, second by Mr. Colangelo that Ordinance #8 of 2020 be approved on first reading and schedule second reading and public hearing for September 21, 2020. It was so moved by the following vote: Yes – Vreeland, Martin, Colangelo, D’Amore, Taylor, Peterson; No – none; Abstain – none; Absent – none

Ordinance #9 was removed from the agenda and tabled until next Council meeting.

ORDINANCE #10 OF 2020

ORDINANCE OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A TAX ABATEMENT AGREEMENT WITH FELMAN INVESTMENTS FOR ADDED IMPROVEMENTS TO BLOCK 49, LOT 6, UNITS 5, 6, 7 AND 8

Mr. Vreeland moved, second by Mr. Colangelo that Ordinance #10 of 2020 be approved on first reading and schedule second reading and public hearing for September 21, 2020. It was so moved by the following vote: Yes – Vreeland, Martin, Colangelo, D’Amore, Taylor, Peterson; No – none; Abstain – none; Absent - none

RESOLUTION #146-20

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 #146-20 be approved authorizing payment of claims in the amount of \$548,719.66. It was so moved by the unanimous consent of Council.

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RESOLUTION #147-20

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE
OF NEW JERSEY, AUTHORIZING THE TAX
COLLECTOR TO CANCEL TAXES**

Mr. Martin moved, second by Mr. Vreeland that Resolution #147-20 be approved as read. It was so moved by the unanimous consent of Council.

RESOLUTION #148-20

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AWARDING A LEASE/PURCHASE
FOR THE PURCHASE OF A 2020 4-TON FALCON
RME ASPHALT HOT PATCHER DUMP TRAILER**

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #148-20 be approved as read. It was so moved by the unanimous consent of Council.

RESOLUTION #149-20

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, TO CLEAR WATER AND SEWER
OVERPAYMENT BY REFUND**

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #149-20 be approved as read. It was so moved by the unanimous consent of Council.

Mr. D'Amore announced the following facts about letters on a special assessment for the dredging project.

1. The letters for the Zone for lagoons east of South Green Street are going out first and will be mailed tomorrow. There will be 412 properties in that group and the other 2 groups will be mailed out within the next 2 weeks, but the largest group will be done first.
2. There will be a Nixle email regarding the letter in case the mail gets lost and the letter will be on the website for people to view.
3. If someone does not return the second page with a vote, it will be counted as a YES vote.
4. They can be emailed, dropped off or mailed back to the clerk's office. Details to do this can be found in the letter.

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5. We plan on presenting the results after the deadline of Sept 30th and moving forward after that.
6. The figures are the worst case scenario; they are max figures... you may likely see a decrease in the those numbers and that figure will not be struck until the project is complete.
7. If you have any questions, please call 609-296-2701.

Mr. D'Amore than read the Tuckerton Volunteer Fire Department's August 2020 report, a copy of which is on file in the Municipal Clerk's Office for public inspection.

Mrs. Taylor moved, second by Mr. Vreeland that the minutes of the meeting of August 17, 2020 be approved as presented. It was so moved by the unanimous consent of Council.

RESOLUTION #150-20

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, ASSESSING LIEN UPON DWELLINGS OR LANDS FOR PROPERTY MAINTENANCE PURSUANT TO BOROUGH ORDINANCE §103-2 AND PERMITTED BY N.J.S.A. 40:48-1.14

Mrs. Taylor moved, second by Mr. Vreeland that Resolution #150-20 be approved as read. It was so moved by the majority consent of Council. Mr. Vreeland abstained from one of the addresses listed.

RESOLUTION #151-20

A RESOLUTION AUTHORIZING THE BOROUGH OF TUCKERTON TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF LITTLE EGG HARBOR FOR THE SHARED USE OF POLICE DISPATCH SERVICES PURSUANT TO THE UNIFORMED SHARED SERVICES ACT N.J.S.A. 40A:65-1 et.seq.

Mr. Peterson moved, second by Mr. Vreeland that Resolution #151-20 be approved as read. It was so moved by the unanimous consent of Council.

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RESOLUTION #152-20

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, STRONGLY ENCOURAGING THE RIGHT OF IN-PERSON MACHINE VOTING FOR THE NOVEMBER 3, 2020 GENERAL ELECTIONS

Mr. Colangelo moved, second by Mr. Vreeland that Resolution #152-20 be approved as read. It was so moved by the unanimous consent of Council.

Mr. Vreeland moved with regrets, second by Mr. Colangelo that the governing body accept the letter of resignation from Joan Rosenberg as a member of the Land Use Board. It was so moved by the unanimous consent of Council.

RESOLUTION #153-20

RESOLUTION OF THE BOROUGH OF TUCKERTON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PERSON-TO-PERSON TRANSFER OF A LIQUOR LICENSE FROM S&J OPERATIONS, LLC TO LIESING GROUP, LLC

Mr. Vreeland moved, second by Mr. Colangelo that Resolution #153-20 be approved as read. It was so moved by the unanimous consent of Council.

RESOLUTION #154-20

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 Mrs. Vreeland that Resolution #154-20, to discuss contractual matters for the lease of Borough owned property, be approved as read. It was so moved by the unanimous consent of Council.

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

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John Edmunds, Little Egg Harbor, was here again to ask the Council to please help with Center Street and the volume of heavy trucks and speeders on the road, the area around Center Street is a small residential area and wasn't made for the amount of traffic that is now coming through there. He is demanding the police show more enforcement there and for there to a plan to eliminate the heavy tractor trailers going through there.

Mayor Marshall stated the Borough is working with the County to develop a plan and it will take some time, but we are working towards fixing your concerns. Please don't demand the Police do their job because they do, do their job.

Pat Johnson, The Sandpaper/Leader, asked if the Borough added two new police officers to the force this evening or were they replacing officers, she than asked who BRS was and why are we paying them \$666.00 on the bill list this evening.

Mrs. Gleghorn explained that one officer has left the Borough for another department effective June 30, 2020 and there is still an officer out from the shooting in the Borough in November 2019, so the two officers were replacements. As for BRS they are the project manager/grant writer for the Lanyard Lagoon Grant the Borough received.

Peter Gioello, 358 Kingfisher Road, stated it was good news to hear that those letters were going out for the dredging project, but he would have liked to have a public meeting to discuss this project prior to the letters going out to educate the residents. He then asked if the water and electric is on at the Bay Avenue Ballfield and stated he wished the town would go back to the GoTo Meetings and what is the reason we can't do that anymore.

It was explained that the water and electric is on at the ballfield. It was also explained that the town is trying to get back to normal and having an in person meeting is a start to doing that. If this was a hearing on some sort of legislation than you would only be allowed to take issues that were presented in public not through electronic means so this another reasons for getting back to the in person meetings. The meetings need to be recorded and sometimes electronic means are not recognized in court, the town is doing Facebook live of the Council Meetings but there is no interaction through electronics.

Mr. Gioello than asked if the Facebook live is stored? He also asked with regards to the letter for dredging what happens if the vote is not returned, how will it be counted?

Mrs. Gleghorn explained the Facebook live stores the video forever and any letter not returned to the Borough would be counted as a 'Yes' for the special assessment for dredging.

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Carolyn Keen, 84 Curlew Road, just wanted to get the timeline out there for the funding of the dredging project. The Borough was denied funding through the NJEIT in November 2019 and now the town has to look for funding either through a special assessment or some other way, and the dedication by rider was if the residents raised enough donations to put a down payment for the bonding of the project. Also the State of New Jersey has stated they will be dredging Tuckerton Creek in 2021 and possibly have funding to be borrowed, which leads us to these letters going out per zones for a special assessment. So if we want the project to move along quicker the special assessment is the way to make that happen or we can wait and see about funding options, but that will take some time. If the East Side gets done now through special assessment and then DOT comes through with funding for Paradise Cove, would there still be a special assessment and if the special assessment goes through can the property owner pay the amount up front all at once or will they have to be paid back quarterly like taxes.

Mrs. Gleghorn explained that if the residents of the other zones vote in favor of the special assessment than it will move forward, but there will be a process of ordinances being read and hearings for the public to comment on. If the vote favors no we will not stop looking for funding because we have the permits already that we spent money on and we do not want it to go to waste. As for paying the whole amount up front, yes that can be done.

Jamie Gross, 115 Curlew Road, asked what happens if the majority of the vote is no and what percent is the Borough looking for in the vote.

Mrs. Gleghorn explained that the town will continue to move forward just in a different way and as for the way we will count the votes, which ever pile has more will be the favorably vote.

Ms. Gross than asked about the road reconstruction project for Curlew Road and the updates.

Mrs. Gleghorn explained that every piece of paper is in, we are just waiting on the NJEIT to approve or deny the funding and move forward on the water and sewer mains.

Gene Ollivant, 104 Curlew Road, asked if there is a time line on the Lanyard Lagoon grant project.

Mrs. Gleghorn explained the that project manager is working on a timeline, but right now the engineer has to do some sounding and depth tests, develop the bid specs, and then present the bid specs to Virginia Rettig of National Fish and Wildlife for approval and then move from there.

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Bill Hickman, 88 Edgewater Drive, stated he just moved into the Paradise Cove area and wanted to know if the letters that are going out include the whole project as one or broken down into sections and if we are separating it when did you decide to do that?

Mrs. Gleghorn explained the letter is broken into zones and each zone has a separate amount based on how much material has to be removed and the reason for the separation is because certain people are asking for the special assessment in separate areas because they would like the project done.

Jesse Ehrstrom, South Green Street, stated New Jersey will be legalizing cannabis in the near future and he sees that Tuckerton Borough does not have an ordinance banning the dispensaries, is this something the town is considering doing? He also stated that he has noticed in all the towns he lives in there is always a common theme of Citta, Holzapfel, T&M Associates and Dasti, Murphy, McGuckin always on the bills to be paid, do these firms contribute to the governing bodies campaign and if so how much.

Mayor Marshall stated we have not done the ordinance thus far and we have to wait to see what the state does, so to make a decision at this point is not fair.

Mr. Martin stated he has done a lot of research on States that legalized cannabis and yes it does create a lot of revenue, but with that comes other not so nice things which is why he at this point does not have an opinion either way but will stay open minded and listen to what the State is recommending.

Mrs. Gleghorn explained the Borough of Tuckerton has adopted the pay-to-play ordinance that qualifies them as a non-fair and open contract, which prohibits professionals to donating to the various political parties anything greater than \$300.00 and that is all in a form that is signed annually with the agreement between the town and the professional service firm.

Chris Voltz, 265 Heron Road, stated when she first moved here she was paying \$7500.00 a year in taxes and now she is paying \$13,000.00. In 5 years her taxes have gone up \$6000.00; two years ago there were not many homes in Tuckerton Beach and now there are a lot of homes there and yet her taxes still go up, where does her tax money go? And she read that the Bass River Elementary school just recently closed and where are those kids going to school is my tax money paying towards that.

Mrs. Gleghorn explained the tax bill breaks down the amount of taxes and where it goes, a huge portion of the tax bill goes to the schools and the county. As for the Bass River kids, they are going to the Little Egg Harbor School District.

Pat Johnson, The Sandpaper/Leader, asked if the Borough has always done Police Dispatch with Little Egg Harbor Township and what was the price.

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Mrs. Gleghorn explained we have been with Little Egg Harbor for some time now and the contract is a 3 percent increase each.

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 recessed. The motion was unanimously approved at 8:20.

Mr. Colangelo moved, second by Mr. Vreeland that the meeting be reconvened. The motion was unanimously approved at 8:36 pm.

Mr. Colangelo moved, second by Mr. Vreeland that the governing body table the resolution authorizing receipt of bids for the Old Borough Hall to the September 21, 2020 meeting. It was so moved the unanimous consent of Council.

Mr. Colangelo moved, second by Mr. Vreeland that the meeting be adjourned. The motion was unanimously approved at 8:40 pm.

Respectfully submitted,

**JENNY GLEGHORN, RMC
BOROUGH CLERK**

Approved:

**SUSAN R. MARSHALL
MAYOR**