

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

**TOWNSHIP COMMITTEE MEETING AGENDA
June 6, 2024, 10:00 AM**

Call to Order the June 6, 2024 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:

- By publication in the official newspapers of the date, time and location of this meeting more than 48 hours in advance, and
- By posting advance written notice on the official bulletin board in the municipal building, and in the office of the Township Clerk for the purpose of public inspection.

Pledge of Allegiance:

Invocation: by Pastor Glenn Swank, Barnegat Bay Assembly of God

Roll Call of Officials:

Committeeman Bille -
Committeeman Pipi –
Committeeman Townsend-
Deputy Mayor Cirulli-
Mayor Marte –

Committee Reports; Bille, Pipi, Townsend, Cirulli

Mayor’s Report

Public Session Comment:

Comments will be limited to a five (5) minute period per individual. Each speaker must be acknowledged by the Mayor and clearly announce their name, address and group affiliation for the record.

Motion to Open Public Session: **Second:**

Motion to Close Public Session: **Second:**

Old Business:

Ordinance 2024 –8 (Second Reading)
An Ordinance Amending Chapter 55 of the Township Code Entitled “Land Use”

Motion to open Public Comment: Second:
Motion to close Public Comment: Second:

Motion to adopt ordinance: Second:

Roll Call: Committeeman Bille: Committeeman Pipi:
Committeeman Townsend:
Deputy Mayor Cirulli: Mayor Marte:

Ordinance 2024 –9 (Second Reading)
An Ordinance providing funding for various Water/Sewer capital improvements appropriating \$1,075,000 therefor from the Township’s Water/Sewer Capital Improvement Fund

Motion to open Public Comment: Second:
Motion to close Public Comment: Second:

Motion to adopt ordinance: Second:

Roll Call: Committeeman Bille: Committeeman Pipi:
Committeeman Townsend:
Deputy Mayor Cirulli: Mayor Marte:

Ordinance 2024 –10 (Second Reading)
An Ordinance providing funding for the cost of the construction of a new Water Tower and appropriating \$4,250,000 therefor from the Township’s Water/Sewer Capital and Grant Funds

Motion to open Public Comment: Second:
Motion to close Public Comment: Second:

Motion to adopt ordinance: Second:

Roll Call: Committeeman Bille: Committeeman Pipi:
Committeeman Townsend:
Deputy Mayor Cirulli: Mayor Marte:

Ordinance 2024 –11

(Second Reading)

An Ordinance Amending and Supplementing Chapter 46B of the Township Code Entitled “Flood Damage Prevention” and Specifically Section 3.1 thereof Entitled “Floodplain Administrator Designation”

Motion to open Public Comment:
Motion to close Public Comment:

Second:
Second:

Motion to adopt ordinance:

Second:

Roll Call:

Committeeman Bille:
Deputy Mayor Cirulli:

Committeeman Pipi:
Committeeman Townsend:
Mayor Marte:

Ordinance 2024 –12

(Second Reading)

An Ordinance Authorizing the sale of Block 210.01, Lot 9 (46 Bay View Blvd), pursuant to NJSA 40A:12-1 Et. Seq.

Motion to open Public Comment:
Motion to close Public Comment:

Second:
Second:

Motion to adopt ordinance:

Second:

Roll Call:

Committeeman Bille:
Deputy Mayor Cirulli:

Committeeman Pipi:
Committeeman Townsend:
Mayor Marte:

Ordinance 2024 –13

(Second Reading)

An Amending and Supplementing Chapter 55 of the Township Code Entitled “Land Use” and specifically Section 329 thereof Entitled “Stormwater Management Plan for Non-Pinelands property”

Motion to open Public Comment:
Motion to close Public Comment:

Second:
Second:

Motion to adopt ordinance:

Second:

Roll Call:

Committeeman Bille:
Deputy Mayor Cirulli:

Committeeman Pipi:
Committeeman Townsend:
Mayor Marte:

Formal Action:

Resolution 2024-223

Resolution authorizing payment of Bill List in the amount of \$8,133,413.57

Motion to adopt resolution:

Second:

Roll Call:

Committeeman Bille:

Committeeman Pipi:

Committeeman Townsend:

Deputy Mayor Cirulli:

Mayor Marte:

New Business:

Approval of the Township Committee minutes from Meeting of May 7, 2024

Motion to adopt minutes:

Second:

Roll Call:

Committeeman Bille:

Committeeman Pipi:

Committeeman Townsend:

Deputy Mayor Cirulli:

Mayor Marte:

Ordinance 2024-14

(First Reading)

An Ordinance Amending Chapter 55 of the Township Code Entitled "Land Use" and specifically Section 191 Entitled "Trees and Shrubs"

Motion to introduce ordinance:

Second:

Roll Call:

Committeeman Bille:

Committeeman Pipi:

Committeeman Townsend:

Deputy Mayor Cirulli:

Mayor Marte:

Ordinance 2024-15

(First Reading)

An Ordinance Amending and Supplementing Chapter 55 of the Township Code Entitled "Land Use" and Specifically Section 191.1 Entitled "Division II: East of Parkway"

Motion to introduce ordinance:

Second:

Roll Call:

Committeeman Bille:

Committeeman Pipi:

Committeeman Townsend:

Deputy Mayor Cirulli:

Mayor Marte:

Ordinance 2024-16 (First Reading)

An Ordinance Amending and Supplementing Chapter 66 of the Township Code Entitled "Streets and Sidewalks" and Establishing Article V Thereof Entitled "Repair and Replacement of Sidewalk and Curb"

Motion to introduce ordinance: Second:

Roll Call: Committeeman Bille: Committeeman Pipi:
Committeeman Townsend:
Deputy Mayor Cirulli: Mayor Marte:

Ordinance 2024-17 (First Reading)

An Ordinance Amending and Supplementing Chapter 66 of the Township Code Entitled "Streets and Sidewalks" and Establishing Article VI Thereof Entitled "Street Trees"

Motion to introduce ordinance: Second:

Roll Call: Committeeman Bille: Committeeman Pipi:
Committeeman Townsend:
Deputy Mayor Cirulli: Mayor Marte:

Ordinance 2024-18 (First Reading)

An Ordinance Amending and Supplementing Chapter 12C of the Township Code Entitled "Officers and Employees"

Motion to introduce ordinance: Second:

Roll Call: Committeeman Bille: Committeeman Pipi:
Committeeman Townsend:
Deputy Mayor Cirulli: Mayor Marte:

Ordinance 2024-19 (First Reading)

An Ordinance Amending and Supplementing Chapter 55 of the Township Code Entitled "Land Use" and Specifically Section 55-355.5.1 Entitled "Affordable Housing Administration Fees"

Motion to introduce ordinance: Second:

Roll Call: Committeeman Bille: Committeeman Pipi:
Committeeman Townsend:
Deputy Mayor Cirulli: Mayor Marte:

Ordinance 2024-20 (First Reading)

An Ordinance Amending and Supplementing Chapter 18 of the Township Code Entitled "Public Works Department" and Specifically Section 4 thereof Entitled "Powers and Duties"

Motion to introduce ordinance: Second:

Roll Call: Committeeman Bille: Committeeman Papi:
Committeeman Townsend:
Deputy Mayor Cirulli: Mayor Marte:

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 of Social Affairs permit to the Forgotten Boardwalk Brewing LLC for events on May 31, June 1, June 2, June 7, June 8, June 9, June 14, June 15, June 16, June 21, June 22, June 23, June 28, June 29 and June 30 ,2024

Approval of On Premise 50/50 on August 23, September 27 and October 25, 2024 to the Italian & American Social Club

Approval of on Premise 50/50 on September 28, 2024 to Barnegat Sports Boosters Inc.
Approval of On Premise Merchandise Raffle on September 28, 2024 to Barnegat Sports Boosters Inc.

Approval of Pocketbook Bingo on September 28, 2024 to Barnegat Sports Boosters Inc.

Approval of Charitable Clothing Bin to Turnkey Enterprises LLC for Lillian M. Dunfee School-128 Barnegat Blvd S

Approval of Charitable Clothing Bin to Turnkey Enterprises LLC for Barnegat V.F.C. #2-99 Route 72

Approval of Charitable Clothing Bin to Turnkey Enterprises LLC for Barnegat V.F.C. #1-499 Barnegat Blvd

Approval of Charitable Clothing Bin to Textile Recovery Services Inc. for Yo Buck Landscaping – 308 Route 72

Approval of Charitable Clothing Bin to Textile Recovery Services Inc. for Starve Poverty – 99 Route 72

Approval of Block Party for residents at 125-140 Vivas Drive to be held on Saturday, July 6, 2024 from 10:00 AM to 8:00 PM with a Rain Date of July 13, 2024

Approval of Membership to Andrew Washburn for the Barnegat First Aid Squad
Approval of Membership to Matthew Maguire for the Barnegat First Aid Squad
Approval of Membership to Madison Caputo for the Barnegat First Aid Squad
Approval of Membership to Alexander Boyer for the Barnegat First Aid Squad

Approval of Membership to Joshua Lacey for the Barnegat Fire Department
Approval of Membership to Michael Mascelli for the Barnegat Fire Department
Approval of Membership to Edward Blanchard for the Barnegat Fire Department

Resolution 2024-224

Resolution authorizing a refund of premiums paid at Tax Sale, various properties

Resolution 2024-225

Resolution authorizing the refund of Escrow deposits for Block 113.11, Lot 12 for \$230.80

Resolution 2024-226

Resolution certifying the Governing Body has reviewed the General Comments and Recommendations of the 2023 Audit

Resolution 2024-227

Resolution authorizing approval to submit a Grant Application and execute a Grant Contract with the New Jersey Department of Transportation for the Improvements to First Street through FY25 Municipal Aid Grant Program

Resolution 2024-228

Resolution authorizing a Shared Services Agreement with the Township of Ocean for Uniform Construction Code Inspections, Building Sub Code Official, Electrical Sub Code and Building Inspections

Resolution 2024-229

Resolution authorizing renewal of liquor licenses in the Township of Barnegat for the 2024/2025 term

Resolution 2024-230

Resolution awarding Mark Anthony Chevrolet the bid to purchase one (1) 2024 Chevy Tahoe 4WD for the Chief Truck for the Barnegat Fire Department

Resolution 2024-231

Resolution Supporting Bill H.R. 7084 "You Earned it, You Keep it Act", raising the base cap on the Social Security payroll tax for higher-earning Americans

Resolution 2024-232

Resolution authorizing acceptance of Change Orders #60-65 in the amount of \$-10,617.56 to Frankoski Construction Co. for the New Municipal Building project

Resolution 2024-233

Resolution authorizing progress Payment #36 in amount of \$84,664.03 to Frankoski Construction Co. for the New Municipal Building, check payable to Travelers Casualty and Surety Company of America

Resolution 2024-234

Resolution authorizing application to the New Jersey Department of Community Affairs for a Grant to enhance Recreational Opportunities for Individuals with Disabilities (ROIDS) for approximately \$20,000 with a \$4,000 cash match for the period beginning July 1, 2024 to June 30, 2025.

Motion to adopt Consent Agenda:

Second:

Roll Call:

Committeeman Bille:

Committeeman Pipi:

Committeeman Townsend:

Deputy Mayor Cirulli:

Mayor Marte:

Resolution 2024-235

Resolution authorizing the Township Committee to retire into closed session for the purpose of discussing personnel and litigation matters

Motion to adopt resolution:

Second:

Roll Call:

Committeeman Bille:

Committeeman Pipi:

Committeeman Townsend:

Deputy Mayor Cirulli:

Mayor Marte:

Motion to Adjourn:

Second:

Time _____

**Next scheduled meeting
July 2, 2024 at 6:30 PM**

ORDINANCE NO. 2024-08

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING CHAPTER 55 OF THE
TOWNSHIP CODE ENTITLED "LAND USE"**

WHEREAS, the Pinelands Protection Act (N.J.S.A. 13:18A-1) requires that the municipal master plan and local land use ordinances of the Township of Barnegat implement the objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

WHEREAS, the Pinelands Comprehensive Management Plan incorporates by reference certain stormwater management regulations contained at N.J.A.C. 7:8: and

WHEREAS, the New Jersey Department of Environmental Protection adopted amendments to certain stormwater management regulations contained at N.J.A.C. 7:8, effective July 12, 2023; and

WHEREAS, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan, effective December 4, 202; and

WHEREAS, the following revisions to the Township Code include removed provisions with a ~~strike through~~ and new language as underlined; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey, as follows:

SECTION I. Chapter 55, Land Use, Article XXI, Stormwater Management, Section 55-330.3, Stormwater Management Requirements, is hereby amended by revising subsection D, as follows:

D. **Tables 1, 2, and 3** below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater BMP Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified

in §55-330.3N, O, P, and Q. When designed in accordance with the most current version of the New Jersey Stormwater BMP Manual and this Section, the stormwater management measures found in **Tables 1, 2, and 3** are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater BMP Manual to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the NJDEP shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the NJDEP website at: https://njstormwater.org/bmp_manual2.htm
<https://dep.nj.gov/stormwater/bmp-manual/>.

SECTION 2: Chapter 55, Land Use, Article XXI, Stormwater Management, Section 55-330.3, Stormwater Management Requirements, is hereby amended by revising subsection O, as follows:y amended by revising subsection O. as follows:

O. Groundwater Recharge Standards

- (1) No Change.
- (2) For all major development, the total runoff volume generated from the net increase in impervious surfaces by a the current 10-year, 24-hour storm, as defined and determined in §55-330.4H, shall be retained and infiltrated onsite.
- (3) For minor development that involves the construction of four or fewer dwelling units, the runoff generated from the total roof area of the dwelling(s) by a the current 10-year, 24-hour storm, as defined and determined in §55-330.4H, shall be retained and infiltrated through installation of one or more green infrastructure stormwater management measures designed in accordance with the New Jersey Stormwater BMP Manual. Appropriate green infrastructure stormwater management measures include, but are not limited to dry wells, pervious pavement systems, and small scale bioretention systems, including rain gardens.
- (4) No Change.
- (5) No Change.

SECTION 3: Chapter 55, Land Use, Article XXI, Stormwater Management, Section 55-330.3, Stormwater Management Requirements, is hereby amended by revising subsection Q, as follows:

Q. Stormwater Runoff Quantity Standards

- (1) No Change.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at **§55-330.4**, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in §55-330.4H and I, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined in §55-330.4H and I, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in §55-330.4H and I, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - (d) No Change.
- (3) No Change.
- (4) No Change.
- (5) No Change.

SECTION 4: Chapter 55, Land Use, Article XXI, Stormwater Management,

Section 55-330.4, Calculation of Stormwater Runoff and Groundwater Recharge, is hereby amended as follows:

§55-330.4. Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated by the design engineer using the USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented, except that the Rational Method for peak flow and the Modified Rational Method for hydrograph computations shall not be used. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf & <https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422> or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey-08873.

B. No Change.

C. For the purpose of calculating ~~runoff coefficients~~ curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology at A. above. A ~~runoff coefficient~~ curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

D. No Change.

E. No Change.

F. No Change.

G. No Change.

H. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items (1) and (2) below:

(1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj;
and

(2) The applicant shall utilize **Table 5: Current Precipitation Adjustment Factors** below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Burlington	.99	1.01	1.04
Ocean	1.00	1.01	1.03

I. **Table 6: Future Precipitation Change Factors** provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to **H.(1)** above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Burlington	1.17	1.18	1.32
Ocean	1.18	1.19	1.24

SECTION 5: Chapter 55, Land Use, Article XXI, Stormwater Management, Section 55-330.5, Sources for Technical Guidance, is hereby amended as follows:

§55-330.5. Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the NJDEP's website at: ~~http://www.nj.gov/dep/stormwater/bmp_manual2.htm~~
<https://dep.nj.gov/stormwater/bmp-manual/>.

(1) No Change.

(2) Additional maintenance guidance is available on the NJDEP's website at:
~~https://www.njstormwater.org/maintenance_guidance.htm~~
<https://dep.nj.gov/stormwater/maintenance-guidance/>.

B.

(1) Submissions required for review by the NJDEP should be mailed to:

The Division of ~~Water Quality~~ Watershed Protection and Restoration,
New Jersey Department of Environmental Protection, Mail Code 401-
~~02B~~ 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

(2) No Change.

SECTION 6: Chapter 55, Land Use, Article XIX, Standards for Development in the Pinelands Area, Section 55-291, Water Quality, is hereby amended by repealing and replacing subsection E, as follows:

E. Water Management

(1) Water shall not be exported from the Pinelands except as otherwise provided at N.J.S.A. 58:1A-7.1.

(2) A diversion within the Pinelands Area portion of Barnegat Township that involves the interbasin transfer of water from sources within the Pinelands Area between the Atlantic Basin and the Delaware Basin, as defined at (a) and (b) below, or outside of either basin, shall be prohibited.

(a) The Atlantic Basin is comprised of Watershed Management Areas 13, 14, 15, and 16, as identified by the New Jersey Department of Environmental Protection.

(b) The Delaware Basin is comprised of Watershed Management Areas 17, 18, 19, and 20 as identified by the New Jersey Department of Environmental Protection.

(3) A diversion within the Pinelands Area portion of Barnegat Township involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at **(2)(a)** and **(b)** above, shall be permitted. If such an intrabasin transfer involves water sourced from the Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at **(4)** below.

(4) Within the Pinelands Area portion of Barnegat Township a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or more (hereafter referred to as "proposed diversion") shall meet the criteria and standards set forth at **(4)(c)** through **(f)** below and the water management standards of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(d). "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.

(a) When evaluating whether the proposed diversion meets the criteria set forth at **(4)(c)** through **(f)** below, all of the applicant's allocations in an HUC-11 watershed, in addition to the proposed diversion, shall be included in the evaluation.

(b) The standards set forth at **(4)(c)** through **(f)** below shall not apply to:

[1] A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:

[a] Be approximately the same depth as the existing well;

[b] Divert from the same aquifer as the existing well;

[c] Have the same or lesser pump capacity as the existing well;
and

[d] Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;

[2] Any proposed diversion that is exclusively for agricultural or horticultural use; or

[3] Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

- (c) A proposed diversion shall be permitted only in the following Pinelands Management Areas: Regional Growth Area.
- (d) A proposed diversion shall only be permitted if the applicant demonstrates that no alternative water supply source is available or viable. Alternative water supply sources include, but are not limited to, groundwater and surface water sources that are not part of the Kirkwood-Cohansey aquifer, and public water purveyors and suppliers, as defined at N.J.A.C. 7:19-1.3. A list of alternative water supply sources is available at the offices of the Pinelands Commission and at <https://www.nj.gov/pinelands/>.
- (e) A proposed diversion shall not have an adverse ecological impact on the Kirkwood-Cohansey aquifer. Adverse ecological impact means an adverse regional impact and/or an adverse local impact, as described at N.J.A.C. 7:50-6.86(d)6 and 7, respectively. A proposed diversion deemed to have an adverse local impact in the Pinelands Area is prohibited. A proposed diversion deemed to have an adverse regional impact shall only be permitted if an applicant permanently offsets the diversion in accordance with N.J.A.C. 7:50-6.86(d)6i.
- (f) An applicant for a proposed diversion shall provide written documentation of water conservation measures that have been implemented, or that are planned for implementation, for all areas to be served by the proposed diversion. Water conservation measures are measurable efforts by public and private water system operators and local agencies to reduce water demand by users and reduce losses in the water distribution system.

SECTION 7: Chapter 55, Land Use, Article XIX, Standards for Development

in the Pinelands Area, Section 55-293, Resource Extraction, is hereby amended by revising subsection A. as follows:

- A. Application Requirements. Any application filed for approval of resource extraction operations in the Pinelands shall include at least the following information:
 - (1) No Change.
 - (2) No Change.
 - (3) No Change.
 - (4) No Change.

(5) No Change.

(6) No Change.

(7) No Change.

(8) No Change.

(9) No Change.

(10) No Change.

(11) No Change.

(12) No Change.

(13) No Change.

(14) No Change.

(15) No Change.

(16) No Change.

(17) No Change.

(18) If the application includes a proposed diversion from the Kirkwood-Cohansey aquifer, a hydrogeologic report that identifies the volume of the diversion, the volume of water to be returned to the source, a description of the route of return to the source, the methodology used to quantify the volume of water returned to the source and a description of any other existing or proposed water diversions or discharges on or from the parcel. The report shall also include a map that depicts the location of the diversion, the location of the return to source, the location of all existing or proposed resource extraction operations and the location of all wetlands on or within 300 feet of the parcel on which the diversion is proposed.

SECTION 8: Chapter 55, Land Use, Article XX, Definitions, Section 55-305,

Definitions and Word Usage, is hereby amended by adding the following definitions:

DIVERT or DIVERSION – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

HYDROLOGIC UNIT CODE-11 or HUC-11 – Means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

NONCONSUMPTIVE USE – Means the use of water diverted from surface or ground waters in such a manner that at least 90 percent of the diverted water is returned to the source surface or ground water at or near the point from which it was taken.

SECTION 9: Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

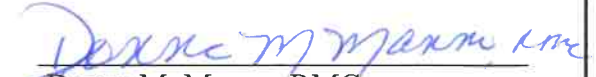
SECTION 10: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 11: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 12: This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **7th day of May, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **6th day of June, 2024, at 10:00 AM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

310 Lacey Road | P.O. Box 779
Forked River, NJ 08731

📞 609-549-8990

📠 609-549-5043

DastiLaw.com

Jeffrey D. Cheney
Brian R. Clancy
Brigit P. Zahler*
Christopher A. Khatami
William J. Oxley

*Also admitted in NY

GL-2671

April 12, 2024

Via Email

Susan R. Grogan, P.P., AICP
Executive Director
State of New Jersey
Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

RE: Pinelands Comprehensive Management Plan (CMP)

Dear Executive Director Grogan:

Please be advised that I am the Township Attorney for the Township of Barnegat. In response to the Pinelands Commission's inquiry as to when the Township will adopt the model ordinance, please be advised the Township intends to introduce the ordinance in May 2024 and adopt on second reading on or before June 2024.

Thank you for your attention to this matter.

Very truly yours,

s/Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

cc: Martin Lisella, Township Administrator-via email
Donna M. Manno, Township Clerk-via email
Kurt Otto, P.E., Township Engineer-via email

DASTI & STAIGER

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Christopher A. Khatami
William J. Oxley
*Also admitted in NY

File No.: GL-2672

April 12, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

Re: Ordinance re CMP Amendments

Dear Donna:

Enclosed please find ordinance amending Chapter 55 of the Township Code. It can be scheduled for introduction. It is a developmental ordinance so, although the Township has to adopt it, the ordinance should be sent to the Planning Board anyway in between the first and second reading.

I am also **attaching** a copy of my correspondence of even date to the **Pinelands Commission** advising them of the Township's adoption schedule.

If you have any **questions**, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Joseph Marte, Mayor-via email
Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance namely Ordinance **2024-8** Amending Chapter 55 of the Township Code Entitled, "Land Use", was introduced and passed at a meeting of the Township Committee on the **7th day of May, 2024** an finally adopted after Public Hearing at a Special Meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the **6rh day June, 2024 at 10:00 AM.**

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER

ATTORNEYS AT LAW

310 Lacey Road P.O. Box 779
Forked River, NJ 08731

ORDINANCE 2024 - 9

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, IN
THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING
FUNDING FOR VARIOUS WATER/SEWER CAPITAL
IMPROVEMENTS APPROPRIATING \$1,075,000
THEREFOR FROM THE TOWNSHIP'S WATER/SEWER
CAPITAL IMPROVEMENT FUND**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The total amount of \$1,075,000 is hereby appropriated by the Township of Barnegat, in the County of Ocean, New Jersey (the "Township") from the Township's Water/Sewer Utility Capital Improvement Fund to provide funding for the following various Water/Sewer capital improvements, including all things necessary therefore or incidental thereto.

- a. \$80,000 – Sanitary Sewer GIS Infrastructure
- b. \$80,000 – Water GIS Infrastructure
- c. \$90,000 – new Kabota & trailer
- d. \$250,000 - 4th Street Pump Station and flow meter
- e. \$200,000 – new SCADA hardware upgrade, including installation
- f. \$65,000 - Preliminary planning and design of a Garden State Parkway water main crossing.
- g. \$235,000 – Pennsylvania Avenue water main replacement
- h. \$75,000 - Replacement Utility Truck with Plow

Section 2. The water/sewer utility capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by law.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Barnegat, in the County of Ocean, New Jersey, held on May 7, 2024. Further notice is hereby given that said ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Committee to be held in the Municipal Offices, 900 West Bay Avenue, Barnegat, New Jersey on June 6, 2024 at 6:30 p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk's Office to the members of the general public who shall request the same. The purpose of the ordinance is to appropriate \$1,075,000 from the Township's Water/Sewer Utility Capital Improvement Fund to provide funding for water meters, including all things necessary therefore or incidental thereto.


Donna Manno, RMC
Township Clerk

NOTICE OF ADOPTION OF ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the ordinance published herewith has been finally adopted by the Township Committee of the Township of Barnegat, in the County of Ocean, New Jersey on June 6, 2024.

Donna Manno, RMC,
Township Clerk

CLERK'S CERTIFICATE

I, Donna Manno, RMC, Clerk of the Township of Barnegat, in the County of Ocean, State of New Jersey, HEREBY CERTIFY as follows that:

1. The attached copy of Ordinance No. **2024-9** of said Township entitled as set forth below and finally adopted on **June 6, 2024**, has been compared by me with the original thereof officially recorded in the Ordinance Book of the Township and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, IN
THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING
FUNDING FOR VARIOUS WATER/SEWER CAPITAL
IMPROVEMENTS APPROPRIATING \$1,075,000
THEREFOR FROM THE TOWNSHIP'S WATER/SEWER
UTILITY CAPITAL IMPROVEMENT FUND**

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the Township Committee of said Township duly called and held on **May 7, 2024** (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said Township Committee, at a regular meeting thereof duly called and held on **June 6, 2024** (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. Said Ordinance was published after first reading, together with notice of the introduction and the date and the time and place of further consideration of said Ordinance (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On **May 3, 2024**, said Ordinance was posted on the bulletin board in the Municipal Building of the Township together with notice of the availability of copies of said Ordinance at the Office of the Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage, said Ordinance was duly published on **June 13, 2024** in **The Times Beacon**, a newspaper circulating in the Township, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my office nor has any such action or proceeding questioning the validity of such Ordinance been commenced within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

6. Said Ordinance when introduced was complete in the form in which it was finally adopted and remained on file in the Office of the Clerk for public inspection from the date of introduction to the date of final adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Township this 6th day of June, 2024.

(SEAL)

Donna Manno, RMC, Township Clerk

ORDINANCE 2024 - 10

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, IN
THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING
FUNDING FOR THE COST OF THE CONSTRUCTION OF
A NEW WATER TOWER AND APPROPRIATING
\$4,250,000 THEREFOR FROM THE TOWNSHIP'S WATER
SEWER CAPITAL AND GRANT FUNDS**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The total amount of \$4,250,000 is hereby authorized by the Township of Barnegat, in the County of Ocean, New Jersey (the "Township") to provide funding for the cost of the construction of a new Water Tower, including all things necessary therefore or incidental thereto.

Section 2. The funding associated with the construction of the new Water Tower is hereby approved and appropriated as follows: \$1,100,000 from the Water Sewer Utility Capital Improvement Fund; \$30,000 from Water Sewer Utility Capital Fund Balance; \$2,475,000 from the American Rescue Funds (ARP) currently recorded in the Townships grants unappropriated; and \$645,000 from the Water Sewer Capital's Reserve for Water Improvements.

Section 3. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as

{00092232;v1/ 94-55-/020}

approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by law.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Barnegat, in the County of Ocean, New Jersey, held on **May 7, 2024**. Further notice is hereby given that said ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Committee to be held in the Municipal Offices, 900 West Bay Avenue, Barnegat, New Jersey on **June 6, 2024 at 10:00 a.m.**, and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk's Office to the members of the general public who shall request the same. The purpose of the ordinance is to appropriate \$4,250,000 from various funded sources of the Township's Water Sewer Capital Fund to provide funding for cost of the construction of a new Water Tower, including all things necessary therefore or incidental thereto.


Donna Manno, RMC
Township Clerk

NOTICE OF ADOPTION OF ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the ordinance published herewith has been finally adopted by the Township Committee of the Township of Barnegat, in the County of Ocean, New Jersey on June 6, 2024 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

Donna Manno, RMC, Township Clerk

CLERK'S CERTIFICATE

I, Donna Manno, RMC, Clerk of the Township of Barnegat, in the County of Ocean, State of New Jersey, HEREBY CERTIFY as follows that:

1. The attached copy of Ordinance No. **2024-10** of said Township entitled as set forth below and finally adopted on **June 6, 2024**, has been compared by me with the original thereof officially recorded in the Ordinance Book of the Township and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, IN
THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING
FUNDING FOR THE COST OF THE CONSTRUCTION OF
A NEW WATER TOWER AND APPROPRIATING
\$4,250,000 THEREFOR FROM THE TOWNSHIP'S WATER
SEWER CAPITAL AND GRANT FUNDS**

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the Township Committee of said Township duly called and held on **May 7, 2024** (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said Township Committee, at a regular meeting thereof duly called and held on **June 6, 2024** (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. Said Ordinance was published after first reading, together with notice of the introduction and the date and the time and place of further consideration of said Ordinance (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On **May 3, 2024**, said Ordinance was posted on the bulletin board in the Municipal Building of the Township together with notice of the availability of copies of said Ordinance at the Office of the Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage, said Ordinance was duly published on **June 13, 2024** in **The Times Beacon**, a newspaper circulating in the Township, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my office nor has any such action or proceeding questioning the validity of such Ordinance been commenced within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

6. Said Ordinance when introduced was complete in the form in which it was finally adopted and remained on file in the Office of the Clerk for public inspection from the date of introduction to the date of final adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Township this 6th day of June, 2024.

(SEAL)

Donna Manno, RMC,
Municipal Clerk

ORDINANCE NO. 2024-11

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 46B OF THE TOWNSHIP CODE
ENTITLED "FLOOD DAMAGE PREVENTION" AND
SPECIFICALLY SECTION 3.1 THEREOF ENTITLED
"FLOODPLAIN ADMINISTRATOR DESIGNATION"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 46B-3.1 entitled "Floodplain Administrator Designation" is hereby amended and supplemented to read as follows:

SECTION 1.

§46B-3.1 Floodplain Administrator Designation.

The Township Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.


SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate,

distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **7th day of May, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **6th day of June, 2024, at 10:00 AM** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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Jeffrey D. Cheney
Brian R. Clancy
Britig P. Zahler*
Christopher A. Khatami
William J. Oxley

*Also admitted in NY

File No.: GL-2672

May 2, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

Re: Ordinance Amending and Supplementing Chapter 46B-3.1 of the Township Code Entitled "Floodplain Administrator Designation"

Dear Donna:

Enclosed please find ordinance amending Chapter 46B-3.1 of the Township Code. It can be placed on the agenda for introduction at the next meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Joseph Marte, Mayor-via email
Martin Lisella, Township Administrator-via email
Kurt Otto, P.E., Township Engineer-via email

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance namely Ordinance **2024-11** Amending and Supplementing Chapter 46B of the Township Code Entitled, "Flood Damage Prevention" and Specifically Section 3.1 thereof Entitled "Floodplain Administrator Designation", was introduced and passed at a meeting of the Township Committee on the **7th day of May, 2024** and finally adopted after Public Hearing at a Special Meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the **6th day of June, 2024 at 10:00 AM.**

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

310 Lacey Road | P.O. Box 779
Forked River, NJ 08731

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF BLOCK 210.01, LOT 9 (46 BAY VIEW BOULEVARD), OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND THE STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the Township of Barnegat, is the owner of real property known as Block 210.01, Lot 9 otherwise known as 46 Bay View Boulevard in the Township of Barnegat (the “Property”); and

WHEREAS, the Property is located the R-MF Multifamily Residential Zone; and

WHEREAS, the Property is an undersized lot pursuant to the area and yard requirements of the R-MF Zone; and

WHEREAS, the Township Committee of the Township of Barnegat has determined that the Property as delineated on the tax map of the Township of Barnegat is not needed for public use; and

WHEREAS, a sale of the property will return the property to the tax rolls of the Township of Barnegat and create revenues for the Township; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township of Barnegat to offer the property for sale, pursuant to N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, N.J.S.A. 40A:12-13 authorizes the Township to sell municipally owned property at a private sale or a public sale to an owner of real property contiguous thereto where the Township owned property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements; and

DASTI STAIGER
ATTORNEYS AT LAW

310 Lacey Road P.O. Box 779
Forked River, NJ 08731

WHEREAS, N.J.S.A. 40A:12-13(b)(5) further provides for a sale to the owner of the real property contiguous to the real property being sold; provided that that the real property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon.

NOW THEREFORE BE IT ORDAINED on this 7TH day of May, 2024 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

SECTION 1. The Township is the owner of the land located in the Township of Barnegat known as Block 210.01, Lot 9, otherwise known as 46 Bay View Boulevard, Barnegat, New Jersey (the “Property”), that is located in the R-MF Zone and subject to all easements and restrictions of record and not of record.

SECTION 2. The Township Committee has determined it to be in the public interest to sell said property at a private sale to an owner of real property contiguous thereto in accordance with N.J.S.A. 40A:12-13(b)(5).

SECTION 3. N.J.S.A. 40A:12-13(b)(5) further provides that the sale shall not be for less than fair market value of said real property.

SECTION 4. The Township Committee declares the property to be surplus and not needed for public use.

SECTION 5. The following conditions for the sale of the property shall apply:

- (a) The minimum bid for the property shall be \$2,000.00
- (b) Full payment of the purchase price shall be received within 30 days of the date of the acceptance of the bid. The successful bidder will be required to pay, either by cash or bank check, the

deposit in the amount of ten percent (10%) of the minimum price of the bid at the close of bidding with the balance to be paid by either cash or bank check. The successful bidder shall pay all legal expenses including, but not limited to, Township legal fees, the pro rata cost of advertisement, recording fees, realty transfer fee and all other reasonable fees and costs incurred as part of the consideration on the date of closing.

(c) The property is being sold in an “as is” condition. The successful bidder is responsible for conducting any and all inspections and testing of the property at its own cost and expense. The property is sold subject to any and all conditions, including but not limited to, title issues, environmental issues, existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal, any future or present assessment for the construction of improvements benefiting the property. A survey of the property may be conducted by any prospective bidder at its discretion, as part of its due diligence.

(d) The land to be sold is undersized for development under the Township zoning ordinance. Bids will be limited to contiguous landowners only. The successful bidder shall consolidate the property purchase with other contiguous lot or lots so as to be part of a reconfigured lot in conformance with the zoning

requirements. This requirement shall be incorporated into the Quit Claim Deed as a deed restriction. The contiguous landowners for the purpose of this sale shall be limited to the legal owner of record as of the date of sale. Contract purchasers and tax lien owners are not deemed contiguous for the purpose of this sale.

- (e) Should the property be developed, it shall be done in accordance with all applicable Township ordinances as well as County and State laws, rules, and regulations. No representation, express or implied, is made that the successful bidder on an undersized lot will be able to secure a variance to develop, construct, or otherwise utilize any undersized lots hereby being sold.
- (f) The Deed must be recorded within 30 days of closing or title to the property shall automatically revert back to the Township of Barnegat without the necessity of entry or re-entry.
- (g) With respect to the sale of the property herein, no real estate commission is owed.
- (h) The Deed given by the Township for the property will be a Quit Claim Deed. No title contingencies or conditions are permitted.
- (i) The Township reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price or to reject all bids and not to award to the highest bidder. The Township reserves the right to waive any and all defects in formalities in

any proposal, and to accept or reject the highest responsive bid deemed to be in the best interest of the Township.

- (j) In the event the Township cannot convey marketable title to said premises its sole liability shall be to return without interest all monies paid by the purchaser to the Township. This obligation will not survive the closing of title. It is suggested and recommended that the potential bidders perform title searches and/or last owner and lien searches on the properties they are interested in bidding upon prior to the date of bid submission so that the potential bidder may be adequately apprised of any encumbrances or restrictions of record effecting the use and germane of property. The Township of Barnegat shall not be responsible for the cost associates with such searches in the event the Township of Barnegat is unable to convey title and/or if a bid is rejected.

SECTION 6. Notice of the Township's intention to sell the property and the minimum bid price therefore shall be sent by certified mail, return receipt requested to all property owners listed on the municipal tax records who own properties contiguous to the property. It shall be the responsibility of the successful bidder to pay all closing costs and expenses incurred by both the Township of Barnegat and the successful bidder relating to the sale, transfer and exchange of the property.

SECTION 7. The Sale shall be advertised in the official newspaper of the Township by two insertions, at least once a week during two consecutive weeks, the last publication to be no later than seven (7) days prior to the sale.

SECTION 8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 10. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **7th day of May, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on **the 6th day of June, 2024, at 10:00 AM**, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER

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Jeffrey D. Cheney
Brian R. Clancy
Brigit P. Zahler*
Christopher A. Khatami
William J. Oxley

*Also admitted in NY

File No.: GL-2966

May 2, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

Re: Ordinance Authorizing the Sale of Block 210.01, Lot 9 (46 Bay View Boulevard)

Dear Donna:

Enclosed please find ordinance authorizing the sale of 46 Bay View Boulevard, Block 210.01, Lot 9. It can be placed on the agenda for introduction at the next meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Joseph Marte, Mayor-via email
Martin Lisella, Township Administrator-via email

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance namely Ordinance **2024-12** Authorizing the sale of Block 210.01, Lot 9 (46 Bay View Blvd), of the Township of Barnegat, County of Ocean and the State of New Jersey, pursuant to N.J.S.A. 40A:12-1 Et Seq., was introduced and passed at a meeting of the Township Committee on the **7th day of May, 2024** an finally adopted after Public Hearing at a Special Meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the **6rh day June, 2024 at 10:00 AM.**

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER
ATTORNEYS AT LAW

310 Lacey Road P.O. Box 779
Forked River, NJ 08731

ORDINANCE NO. 2024-13

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW
JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 55 OF THE TOWNSHIP CODE
ENTITLED "LAND USE" AND SPECIFICALLY
SECTION 329 THEREOF ENTITLED
"STORMWATER MANAGEMENT PLAN FOR NON-
PINELANDS PROPERTY"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 55 of the Township Code entitled "Land Use" and specifically Section 329 therefore entitled "Stormwater Management Plan for Non-Pinelands Property" shall read as follows:

SECTION 1.

Chapter 55-329 of the Township Code entitled "Stormwater Management Plan for Non-Pinelands Property" is hereby amended and supplemented and shall read as follows:

§55-329.1 Scope and Purpose.

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the

established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in §55-329.2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - i. Non-residential major developments and redevelopment projects; and
 - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
2. This ordinance shall also be applicable to all major developments undertaken by the Township of Barnegat.
3. An application required by ordinance pursuant to (c)1 above that has been submitted prior to June 6, 2024, shall be subject to the stormwater management requirements in effect on June 5, 2024.
4. An application required by ordinance for approval pursuant to (c)1 above that has been submitted on or after March 2, 2021, but prior to June 6, 2024, shall be subject to the stormwater management requirements in effect on June 5, 2024.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17 2023, shall be subject to the stormwater management requirements in effect prior to July 27, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the

provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§55-329.2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community Basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“**Compaction**” means the increase in soil bulk density.

“**Contributory drainage area**” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“**Core**” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“**County review agency**” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“**Department**” means the Department of Environmental Protection.

“**Designated Center**” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“**Design engineer**” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“**Development**” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

“**Disturbance**” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

“HUC 14” or “Hydrologic Unit Code 14” means an area within which water drains to a particular receiving surface water body, also known as a sub watershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development”

- A. For the purposes of this section only, an individual “development,” as well as multiple developments that individually or collectively result in:
1. The disturbance of one or more acres of land since February 2, 2004;
 2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
 3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or
 4. A combination of Subsection A(2) and (3) above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.
- B. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of Subsection A(1), (2), (3), or (4) above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or **“BMP Manual”** means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with

the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Subsection 55-329.4E(6). of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to the achievement of the design and performance standards established by this chapter.

“**Node**” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“**Nutrient**” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“**Person**” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“**Pollutant**” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “**Pollutant**” includes both hazardous and nonhazardous pollutants.

“**Public roadway or railroad**” means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“**Public transportation entity**” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 *et seq.*), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

“**Recharge**” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“**Regulated impervious surface**” means any of the following, alone or in combination:

1. A net increase of impervious surface;

2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“**Regulated motor vehicle surface**” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“**Sediment**” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“**Site**” means the lot or lots upon which a major development is to occur or has occurred.

“**Soil**” means all unconsolidated mineral and organic material of any origin.

“**State Development and Redevelopment Plan Metropolitan Planning Area (PA1)**” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“**State Plan Policy Map**” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“**Storm Drain Inlet**” means an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb opening inlet, slotted inlet, and combination inlet.

“**Stormwater**” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities or conveyed by snow removal equipment.

“Stormwater Management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater Management Measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater Management Planning Agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater Management Planning Area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Designated as CAFRA Centers, Cores or Nodes;
2. Designated as Urban Enterprise Zones; and
3. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or **“wetland”** means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§55-329.3. Design and Performance Standards for Stormwater Management Measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major developments and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major developments to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§55-329.4. Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Subsection **55-329.10**.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as

documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys Muhlenbergia* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Subsection **55-329.4 P,Q,R**:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Subsection 55-329.4 O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Subsection **55-329.4 O, P, Q and R** to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Subsection **55-329.4 O, P, Q and R**, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Subsection **55-329.4 O, P, Q and R** that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Subsection **55-329.4 O, P, Q and R**. When designed in accordance with the most current version of the

New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Dry Well^(a)</u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2^(e)</u> <u>1^(f)</u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Manufactured Treatment Device^{(a) (g)}</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Bioretention Basin^(a)</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Infiltration Basin^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>--</u>

Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity
(or for Groundwater Recharge and/or Stormwater Runoff Quality
with a Waiver or Variance from N.J.A.C. 7:8-5.3)

<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater
Runoff Quantity
only with a Waiver or Variance from N.J.A.C. 7:8-5.3

<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Blue Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Extended Detention Basin</u>	<u>40-60</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Manufactured Treatment Device^(h)</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Sand Filter^(c)</u>	<u>80</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Subsurface Gravel Wetland</u>	<u>90</u>	<u>No</u>	<u>No</u>	<u>1</u>
<u>Wet Pond</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;

- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) designed with a slope of less than two percent;
 - (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Subsection **55-329.6B**. Alternative stormwater management measures may be used to satisfy the requirements at Subsection **55-329.40** only if the measures meet the definition of green infrastructure at Subsection **55-329.2**. Alternative stormwater management measures that function in a similar manner to a BMP listed at Subsection **55-329.40(2)** are subject to the contributory drainage area limitation specified at Subsection **55-329.40** for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Subsection **55-329.40(2)** shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection **55-329.4D** is granted from Subsection **55-329.40**.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Subsection 55-329.4I(3);
 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Subsection 55-329.8; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Subsection 55-329.4C may be used only under the circumstances described at Subsection 55-329.4O(4).
- K. Any application for a new agricultural development that meets the definition of major development at Subsection 55-329.4C shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Subsection 55-329.4 O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsection 55-329.4 P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Ocean County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsection 55-329.4 O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Subsection 55-329.10B(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Subsection 55-329.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Ocean County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with Subsection 55-329.4M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with Subsection 55-329.4M above.
- O. Green Infrastructure Standards
1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at Subsection 55-329.4P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Subsection 55-329.4F and/or an alternative stormwater management measure approved in accordance with Subsection 55-329.4G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<u>Best Management Practice</u>	<u>Maximum Contributory Drainage Area</u>
<u>Dry Well</u>	<u>1 acre</u>
<u>Manufactured Treatment Device</u>	<u>2.5 acres</u>
<u>Pervious Pavement Systems</u>	<u>Area of additional inflow cannot exceed three times the area occupied by the BMP</u>
<u>Small-scale Bioretention Systems</u>	<u>2.5 acres</u>
<u>Small-scale Infiltration Basin</u>	<u>2.5 acres</u>
<u>Small-scale Sand Filter</u>	<u>2.5 acres</u>

3. To satisfy the stormwater runoff quantity standards at Subsection 55-329.4Q, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Subsection 55-329.4G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Subsection 55-329.4D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Subsection 55-329.4G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Subsection 55-329.4 P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Subsection 55-329.4 P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Subsection 55-329.4D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Subsection 55-329.5, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Subsection 329.5 D of this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to Subsection 329.4 P(4) below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with Subsection 329.4Q(2)(ii) above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Subsection **55-329.4 P, Q and R**.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Subsection **55-329.5**, complete one of the following:

- (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Subsection **329.5 C and D**, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
- (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Subsection **329.5 C and D**, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
- (c) Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Subsection **329.5 C and D**, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
- (d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2(a), (b) and (c) above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§55-329.5 Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “curve number” applies to the NRCS methodology above at Subsection 55-329.5A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

<u>County</u>	<u>Current Precipitation Adjustment Factors</u>		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to C.1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

§55-329.6 Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

- B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

§55-329.7 Solids and Floatable Materials Control Standards:

- A. Site design features identified under Subsection **55-329.4F** above, or alternative designs in accordance with Subsection **55-329.4G** above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection **55-329.7A.2** below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square

inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in Subsection **55-329.7A.1.** above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§55-329.8 Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater

management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Subsection **55-329.8C.1, C.2, and C.3** for trash racks, overflow grates, and escape provisions at outlet structures.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension.
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of

gress from stormwater management BMPs. With the prior approval of the municipality pursuant to Subsection **55-329.8D**, a free-standing outlet structure may be exempted from this requirement;

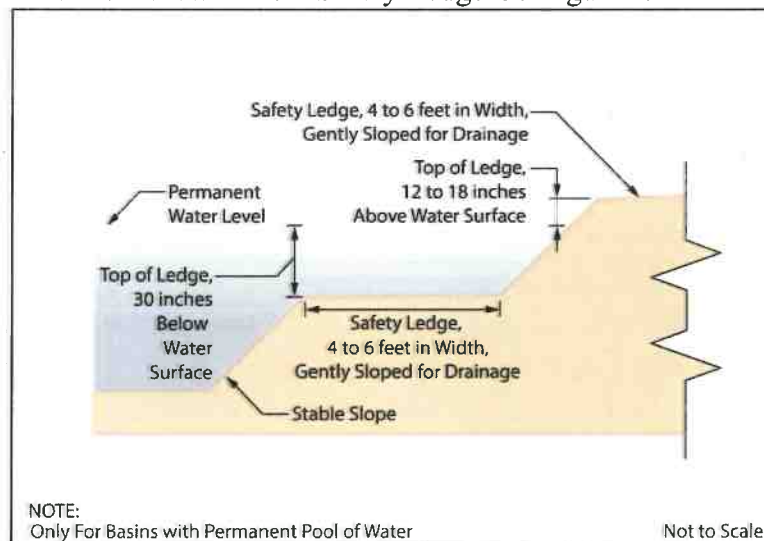
- ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Subsection **55-329.8E** for an illustration of safety ledges in a stormwater management BMP; and
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§55-329.9 Requirements for a Site Development Stormwater Plan:

- A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Subsection 55-329.9C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit four copies of the materials listed in the checklist for site development stormwater plans in accordance with Subsection I55-329.9C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally

sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Subsections 55-329.3 through 55-329.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Subsection 55-329.4 of this ordinance.

- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Subsection 55-329.10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Subsection 55-329.9C.1 through 55-329.9C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§55-329.10 Maintenance and Repair:

A. Applicability

Projects subject to review as in Subsection 55-329.1.C of this ordinance shall comply with the requirements of Section 55-329.10B and C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Subsection **55-329.10B** above is not a public agency, the maintenance plan and any future revisions based on Subsection **55-329.10B(7)** below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Subsection **55-329.10B(3)** above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Subsection **55-329.10B.6 and B.7** above.
8. The requirements of Subsection **55-329.10.B.3 and B.4** do not apply to stormwater management facilities that are dedicated to and

accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the municipality. If the municipality does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance **guarantee** in accordance with N.J.S.A. 40:55D-53

§55-32.11 Penalties and Enforcement

- A. Any person, firm, corporation partnership or other business association found guilty of violating any of the provisions of this section shall be subject to a fine of not more than \$2,500 for each offense and/or confinement in the Ocean County Jail for a period of not more than 30 days. In case of a continuing violation or violations, a fine of not more than \$500 may be assessed for each day that said violation or violations continue unabated until such time as same corrected.
- B. Each instance of engaging in a separate regulated activity in violation of this section shall be deemed a separate offense.
- C. In addition, the Township may institute civil action for injunctive or other relief to enforce the provisions of this section.
- D. This section shall be enforced by the Construction Official, or his designees, the Department of Public Utilities and/or the Code Enforcement Department.

§55-329.12 Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

§55-329.13 Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 7th day of May, 2024, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 6th day of June, 2024, at 10:00 AM at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

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Brigit P. Zahler*
Christopher A. Khatami
William J. Oxley

*Also admitted in NY

File No.: GL-2672

May 3, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Ordinance Amending and Supplementing Chapter 55 of the Township Code
Entitled "Land Use" and Specifically Section 329 Thereof Entitled
"Stormwater Management Plan for Non-Pinelands Property"**

Dear Donna:

Enclosed please find ordinance amending Chapter 55, specifically Section 329 of the Township Code. It can be placed on the agenda for first reading at the next meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, P.E., Township Engineer-via email

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance namely Ordinance **2024-12** Amending and Supplementing Chapter 55 of the Township Code Entitled, "Land Use" and Specifically Section 329 thereof Entitled "Stormwater Management plan for Non-Pinelands property", was introduced and passed at a meeting of the Township Committee on the **7th day of May, 2024** an finally adopted after Public Hearing at a Special Meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the **6th day June, 2024 at 10:00 AM.**

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER

ATTORNEYS AT LAW

310 Lacey Road P.O. Box 779
Forked River, NJ 08731

2024-223

BILL LIST FOR JUNE 2024

ORDINANCE NO. 2024-14

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 55 OF THE TOWNSHIP CODE
ENTITLED "LAND USE" AND SPECIFICALLY
SECTION 191 ENTITLED "TREES AND SHRUBS"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 55 of the Township Code entitled "Land Use" Article VII thereof entitled "Supplementary Design and Performance Standards" and specifically Section 191 entitled "Trees and Shrubs" shall read as follows:

SECTION 1.

§55-191. Trees and Shrubs.

1. Division 1: Pinelands – West of Parkway

A. Unchanged.

B. Definitions. As used in this section, the following words shall

have the following meanings:

BUILDING LOT: Unchanged.

HOMESTEAD: Unchanged.

MANAGEMENT PLAN: Unchanged.

NURSERY, GARDEN CENTER, ORCHARD or TREE FARM: Deleted.

NURSERY, ORCHARD or TREE FARM: shall mean only land within the municipality used for horticultural purposes under controlled agricultural conditions.

PERMIT: Unchanged.

PUBLIC RIGHT OF WAY: Unchanged.

SHRUB: Unchanged.

TREE: Unchanged.

C. Unchanged.

D. Protection of trees.

No soil material, permanent or temporary, shall be placed within three (3) feet of any trees or shrubs. Where grading may be required, trees shall be walled in an extension tile to the outer crown of the tree.

On any wooded lot within the Township, the maximum permitted removal of trees shall be limited in accordance with the table set forth below. In no case, however, shall the removal of trees exceed that which is necessary to accommodate the proposed activity, use or structure in accordance with the requirements of §55-295.

Zoning District	Maximum Removal Allowed
RH Residential High Density	85%
RM Residential Moderate Density	50%
RL Residential Low Density	40%
RL/AC* Residential Low/Adult*	40%
*PAC (Planned Adult Communities)	85%
PV Pinelands Village	40%
PA Preservation Area	40%
PF Preserved Forest Pinelands	40%

In addition to the above schedule, all lands subject to New Jersey Pinelands Commission jurisdiction shall comply with all requirements of the Pinelands Comprehensive Management Plan. Specifically, all forestry activities shall comply with the requirements of §55-292 and any development, clearing, landscaping and screening shall be made in compliance with §55-295 of this chapter.

A permit which allows the cutting of trees in excess of the above schedule on a lot will only be issued if the applicant can demonstrate to the satisfaction of the Township Engineer that the existing terrain and/or small lot size makes the removal of the trees necessary. In addition, the applicant must demonstrate that all proposed excavation or filling of a lot is unavoidable, and that no feasible method exists for preserving the trees on the lot.

In each major site plan development, minor site plan development and major subdivision, the owner shall be responsible for planting shade and/or decorative trees on each existing or newly created lot at the rate of one (1) tree per one thousand (1,000) square feet of gross lot area, or fraction thereof. Existing trees which meet the size requirements of this section, and which were not injured during construction may be included in the number of trees required. Planting sites shall be indicated on the

DASTI STAIGER
ATTORNEYS AT LAW

310 Lacey Road P.O. Box 779
Forked River, NJ 08731

site plan and/or on a separate landscaping plan and must be approved by the applicable Board Engineer.

As a condition of any Planning Board or Board of Adjustment approval, specimen trees and trees of significant historical value shall be preserved. This condition shall be evaluated by the Board having jurisdiction over the application based upon recommendations made by the Barnegat Township Shade Tree Commission and the Board Engineer.

All trees and shrubs planted in accordance with the provision of this section shall be placed in a proper manner and in a good grade of topsoil. All shade trees shall be nursery grown in conformance with AANIS (American Standard for Nursery Stock ANN also known as ANSI Z60.1 latest revision) and shall be of substantially uniform size and shape and shall have straight trunks. Ornamental trees need not have straight trunks but must conform in other respects with the provisions of this section.

All trees shall be planted in a dormant state. The minimum height of all shade and ornamental trees when planted shall be not less than twelve (12) feet and shall have a minimum caliper (diameter) of three (3) inches as measured at six (6) inches above finished grade. The types of trees to be planted shall be approved by the Township Landscape Architect and shall be selected from the list of approved trees set forth in §55-126.9 of Chapter 55 Land Use. All trees shall be balled and wrapped in burlap.

- (1) Exempt lands or activities. The following lands or activities shall be exempt from the provisions of this Ordinance: nurseries, orchards and tree farms, building lots of one (1) acre or less where an existing home has been fully constructed and activities for which a forestry permit has been approved by the Zoning Officer in accordance with §55-292.
- (2) Fees. Upon filing of an application with the Township Clerk, the applicant shall pay twenty-five (\$25.00) dollars to the Township of Barnegat for the application fee, unless the property to be harvested qualifies as a homestead, in which case the application must be submitted but the application fee and all other fees herein will be waived. In addition, if the Township Clerk, after review of the Code Enforcement Officer, issues a permit for the destruction and/or removal of trees pursuant to the terms of this ordinance, an additional permit fee of one hundred (\$100.00) dollars shall be required. Thereafter the following fee schedule shall be in effect:

Twenty-five (\$25.00) dollars per acre of area harvested. For the purposes of computing such fee, fractions of one (1) acre shall constitute one (1) acre, if the total acreage exceeds one (1) acre. If the total acreage is less than one (1) acre, no additional fee, other than the twenty-five (\$25.00) dollar application fee and the one hundred (\$100.00) dollar permit fee, shall be required.

In the alternative of the permit fee and a fee to be imposed in accordance with the acreage to be harvested, the applicant shall submit a management plan prepared by the New Jersey Department of Environmental Protection, Division of Forestry, or a similar State or Federal agency, or a management plan prepared by a person holding a Bachelor of Science Degree in Forestry from a recognized institution of higher education, in which event the permit fee and the acreage fee for a part of an acre, will be waived by the Township Clerk.

In addition, no permit fee or harvesting fee, other than the twenty-five (\$25.00) dollar application fee, need to be paid for harvesting dead wood if an upon the condition that written permission from the owner of the subject premises be given to the Township Clerk and Code Enforcement Officer and a copy of said written permission be in the possession of the wood harvester at all times that said person is harvesting the dead wood from the subject premises.

In the event that an applicant is a partnership corporation or other entity having more than one (1) individual wishing to use a permit then and, in that event, each additional individual wishing to be authorized to cut trees or shrubs on behalf of that corporation, partnership or other business entity shall be required to pay an additional fee of twenty-five (\$25.00) dollar per person in excess of the first designated individual.

- E. Violations - Tree removal in conservation easements and/or deed restricted areas. Any person and/or persons found to have removed, destroyed and/or diminished the existing vegetation in either a conservation easement and/or deed restricted area shall be subject to a penalty as set forth in Article XV herein. In addition, said person shall submit to the Township of Barnegat a proposed revegetation plan and planting schedule for review and approval by the Township Engineer and the Shade Tree Commission. The revegetation plan shall be in conformance with the requirements of plantings as outlined in subject ordinance. The revegetation plan shall be submitted within fourteen (14) days of the notice of violation. Should violator not submit the required plan as stipulated herein, they shall be subject to an additional fine of one thousand (\$1,000.00) dollars per day until said plan is submitted, reviewed and approved by appropriate agencies.
- F. Appeals. Whenever an application for a permit shall be denied by the Municipal Clerk, the applicant may appeal the denial to the Township Committee by filing a written notice of appeal with the Township Clerk within ten (10) days after receiving a written notice of denial of the application. The Township Committee shall hold a public meeting on the matter in accordance with rules or procedures to be established by the

Township Committee and may modify or affirm or reverse the decision of the Municipal Clerk.

- G. Enforcing Officers. The Barnegat Township Police Department and the Code Enforcement Officer are hereby designated as enforcing officers of this section.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on **the 6th day of June, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **2nd day of July, 2024, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

310 Lacey Road P.O. Box 779
Forked River, NJ 08731

2024-14

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Lauren R. Staiger

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Brian R. Clancy
Brigit P. Zahler*
Christopher A. Khatami
William J. Oxley

*Also admitted in NY

File No.: GL-2672

May 24, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Ordinance Amending and Supplementing Chapter 55 of the Township Code
Entitled "Land Use" and Specifically Section 191 Entitled "Trees and Shrubs"**

Dear Donna:

Enclosed please find ordinance amending Chapter 55 of the Township Code and specifically Section 191. It can be placed on the agenda for first reading at the next meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, P.E., Township Engineer-via email

ORDINANCE NO. 2024-15

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 55 OF THE TOWNSHIP CODE
ENTITLED "LAND USE" AND SPECIFICALLY
SECTION 191.1 ENTITLED "DIVISION II:
EAST OF PARKWAY"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 55 of the Township Code entitled "Land Use" and specifically Section 191.1 entitled "Division II: East of Parkway" shall read as follows:

SECTION 1.

§55-191.1 Division II: East of Parkway.

A. Unchanged.

B. Definitions. As used in this ordinance, the following words shall have the following meanings:

BUILDING LOT: Unchanged.

HOMESTEAD: Unchanged.

MANAGEMENT PLAN: Unchanged.

NURSERY, GARDEN CENTER, ORCHARD or TREE FARM: Deleted.

NURSERY, ORCHARD or TREE FARM: shall mean only land within the municipality used for horticultural purposes under controlled agricultural conditions.

PERMIT: Unchanged.

PUBLIC RIGHT OF WAY: Unchanged.

SHRUB: Unchanged.

TREE: Unchanged.

C. Unchanged.

D. Protection of trees.

No soil material, permanent or temporary, shall be placed within three (3) feet of any trees or shrubs. Where grading may be required, trees shall be walled in an extension tile to the outer crown of the tree.

On any wooded lot within the Township, the maximum permitted removal of trees shall be limited to:

Zoning District	Maximum Removal Allowed
R-6 Residential	85%
R-7.5 Residential	85%
RC-7.5 Residential Cluster	85%
R-10 Residential	85%
R-15 Residential	60%
R-20 Residential	50%
R-40 Residential	40%
ML-1 Residential	85%
ML-2 Residential	85%
ML-3 Residential	85%
ML-4 Multifamily Residential	70%

In addition to the above schedule, all lands subject to New Jersey Pinelands Commission jurisdiction shall comply with all requirements of the Pinelands Comprehensive Management Plan.

A permit which allows the cutting of trees in excess of the above schedule on a lot will only be issued if the applicant can demonstrate to the satisfaction of the Township Engineer that the existing terrain and/or small lot size makes the removal of the trees necessary. In addition, the applicant must demonstrate that all proposed excavation or filling of a lot is unavoidable, and that no feasible method exists for preserving the trees on the lot.

In each major site plan development, minor site plan development and major subdivision, the owner shall be responsible for planting shade and/or decorative trees on each existing or newly created lot at the rate of one (1) tree per one thousand (1,000) square feet of gross lot area, or fraction thereof. Existing trees which meet the size requirements of this section, and which were not injured during construction may be included in the number of trees required. Planting sites shall be indicated on the site plan and/or on a separate landscaping plan and must be approved by the applicable Board Engineer.

As a condition of any Planning Board or Board of Adjustment approval, specimen trees and trees of significant historical value shall be preserved. This condition shall be evaluated by the Board having jurisdiction over the application based upon recommendations made by the Barnegat Township Shade Tree Commission and the Board Engineer.

All trees and shrubs planted in accordance with the provision of this section shall be placed in a proper manner and in a good grade of topsoil. All shade trees shall be nursery grown in conformance with AANIS (American Standard for Nursery Stock ANN also known as ANSI Z60.1 latest revision) and shall be of substantially uniform size and shape and shall have straight trunks. Ornamental trees need not have straight trunks but must conform in other respects with the provisions of this section.

All trees shall be planted in a dormant state. The minimum height of all shade and ornamental trees when planted shall be not less than twelve (12) feet and shall have a minimum caliper (diameter) of three (3) inches as measured at six (6) inches above finished grade. The types of trees to be planted shall be approved by the Township Landscape Architect and shall be selected from the list of approved trees set forth in §55-126.9 of Chapter 55 Land Use. All trees shall be balled and wrapped in burlap.

- (1) Exempt lands or activities. The following lands or activities shall be exempt from the provisions of this Ordinance: nurseries, orchards and tree farms, building lots of one (1) acre or less where an existing home has been fully constructed.
- (2) Fees. Upon filing of an application with the Township Clerk, the applicant shall pay twenty-five (\$25.00) dollars to the Township of Barnegat for the application fee, unless the property to be harvested qualifies as a homestead, in which case the application must be submitted but the application fee and all other fees herein will be waived. In addition, if the Township Clerk, after review of the Code Enforcement Officer, issues a permit for the destruction and/or removal of trees pursuant to the terms of this ordinance, an additional permit fee of one hundred (\$100.00) dollars shall be required. Thereafter the following fee schedule shall be in effect:

Twenty-five (\$25.00) dollars per acre of area harvested. For the purposes of computing such fee, fractions of one (1) acre shall constitute one (1) acre, if the total acreage exceeds one (1) acre. If the total acreage is less than one (1) acre, no additional fee, other than the twenty-five (\$25.00) dollar application fee and the one hundred (\$100.00) dollar permit fee, shall be required.

In the alternative of the permit fee and a fee to be imposed in accordance with the acreage to be harvested, the applicant shall submit a management plan prepared by the New Jersey Department of Environmental Protection, Division of Forestry, or a similar State or Federal agency, or a management plan prepared by a person holding a Bachelor of Science Degree in Forestry from a recognized institution of higher education, in which event the permit fee and the acreage fee for a part of an acre, will be waived by the Township Clerk.

In addition, no permit fee or harvesting fee, other than the twenty-five (\$25.00) dollar application fee, need to be paid for harvesting dead wood if and upon the condition that written permission from the owner of the subject premises be given to the Township Clerk and Code Enforcement Officer and a copy of said written permission be in the possession of the wood harvester at all times that said person is harvesting the dead wood from the subject premises.

In the event that an applicant is a partnership corporation or other entity having more than one (1) individual wishing to use a permit then and, in that event, each additional individual wishing to be authorized to cut trees or shrubs on behalf of that corporation, partnership or other business entity shall be required to pay an additional fee of twenty-five (\$25.00) dollar per person in excess of the first designated individual.

(3) Unchanged.

E. Unchanged.

F. Enforcing Officers. The Barnegat Township Police Department and the Code Enforcement Officer are hereby designated as enforcing officers of this section.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **6th day of June, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on **the 2nd day of July, 2024, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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2024-12

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Brigit P. Zahler*
Christopher A. Khatami
William J. Oxley
*Also admitted in NY

File No.: GL-2672

May 24, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Ordinance Amending and Supplementing Chapter 55 of the Township Code
Entitled "Land Use" and Specifically Section 191.1 Entitled "Division II: East
of Parkway"**

Dear Donna:

Enclosed please find ordinance amending Chapter 55 of the Township Code and specifically Section 191.1. It can be placed on the agenda for first reading at the next meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, P.E., Township Engineer-via email

ORDINANCE NO. 2024-16

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 66 OF THE TOWNSHIP CODE
ENTITLED "STREETS AND SIDEWALKS" AND
ESTABLISHING ARTICLE V THEREOF
ENTITLED "REPAIR AND REPLACEMENT OF
SIDEWALKS AND CURB"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 66 of the Township Code entitled "Streets and Sidewalks" is hereby amended to establish Article V thereof entitled "Repair and Replacement of Sidewalks and Curb" shall read as follows:

SECTION 1.

§66-46 Repair and replacement at expense of land owner.

All sidewalks, driveway aprons, and curbs along any streets, roads and public rights-of-way in the Township of Barnegat shall be reconstructed, repaired or replaced at the cost and expense of the owner or owners of the lands in front of which such sidewalks, driveway aprons, and curbs are constructed.

§66-47 Construction specifications.

All curbs, driveway aprons, and sidewalks shall be constructed in accordance with the specifications of the Township of Barnegat as prepared by the Township Engineer. Copies of said construction specifications will be provided, at no cost, to any property owner upon request.

§66-48 Permit required.

Prior to replacing or repairing the curb or driveway aprons, the property owner must obtain a street opening permit from the Township of Barnegat in accordance with

Chapter 66-26. The property owner will be required to submit an application form for the permit for the replacement or repair of curb and/or driveway aprons.

§66-49 Notice to repair; time limit; failure to comply.

Whenever the Township Administrator has determined, upon advice from the Township Engineer or Township Construction Code Official, that any curbs, driveway aprons and/or sidewalks are in need of repair or reconstruction, the Administrator shall advise the Township Committee in writing that such curbs, driveway aprons, and/or sidewalks are in need of repair or reconstruction, specifying the location and assessed owner of the property.

§66-50 Notice to owner of required improvements.

The Township shall determine the necessity of said improvement, and if it deems that said improvement is necessary, it shall by resolution cause a notice in writing to be served upon said abutting owners or occupants of said lands requiring the necessary specified work to said curb, driveway apron, and/or sidewalk to be done by said owner or occupants within a period of not less than 120 days no more than 180 days from the date of service of the notice.

§66-51 Manner of serving notice.

The notice provided for in §66-50 shall be served upon the owner(s) of the affected lands in accordance with the provisions of N.J.S.A. 40:65-14.

§66-52 Failure to comply; work to be done by Township; costs to become lien.

In the event that the owner or occupant of such abutting lands shall not comply with the requirements of said notice, it shall be lawful for the Township Administrator, in accordance with N.J.S.A. 40:65-14, to cause the required work to be done and paid for out of municipal funds available for that purpose. The cost of such work shall be certified

by the Township Engineer to the Tax Collector or person having charge of the collection of assessments in Barnegat Township. Upon filing said certificate of costs, the amount of the cost of such work shall be and become a lien upon said abutting lands in front of which such work was done, to the same extent that assessments for local improvements are liens in the municipality, and shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate. In addition, thereto, the Township Committee may commence, in any court having jurisdiction thereof, an action against the owner of said lands to recover said amount.

§66-53 Repair and/or replacement of sidewalks, driveway aprons and curbs at Township expense.

Notwithstanding any provision to the contrary in this article, the Township reserves the right to repair and replace sidewalks, driveway aprons, and/or curbs at no cost to the property owner in conjunction with any road or drainage improvements that the Township undertakes on any Township road or street. In addition, the Township reserves its rights to repair and construct curbs, driveway aprons, and/or sidewalks at the Township's expense in accordance with the provisions of N.J.S.A. 40:65-1 et seq., when the governing body of the Township determines that it is in the best interest of the Township to take such an action.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **6th day of June, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **2nd day of July, 2024, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

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2024-16

DASTI & STAIGER

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Christopher A. Khatami
William J. Oxley
*Also admitted in NY

File No.: GL-2672

May 24, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Ordinance Amending and Supplementing Chapter 66 of the Township Code
Entitled "Streets and Sidewalks" and Establishing Article V Thereof Entitled
"Repair and Replacement of Sidewalks and Curb"**

Dear Donna:

Enclosed please find ordinance amending Chapter 66 of the Township Code. It can be placed on the agenda for first reading at the next meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, P.E., Township Engineer-via email

ORDINANCE NO. 2024-17

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 66 OF THE TOWNSHIP CODE
ENTITLED "STREETS AND SIDEWALKS" AND
ESTABLISHING ARTICLE VI THEREOF
ENTITLED "STREET TREES"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 66 of the Township Code entitled "Streets and Sidewalks" is hereby amended to establish Article VI thereof entitled "Street Trees" shall read as follows:

SECTION 1.

§66-54 Maintenance and replacement at expense of land owner.

All street trees along any streets, roads and public rights-of-way in the Township of Barnegat shall be maintained, removed or replaced at the cost and expense of the owner or owners of the lands in front of which such street trees are constructed.

§66-55 Construction specifications.

All street trees shall be installed in accordance with the specifications of the Township of Barnegat and approved by the Township Landscape Architect.

§66-56 Permit required.

No permit is required for street tree removal and/or replacement. The property owner is fully responsible for right-of-way restoration and elimination of trip hazards.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **6th day of June, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **2nd day of July, 2024, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

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2024-17

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Brigit P. Zahler*
Christopher A. Khatami
William J. Oxley
*Also admitted in NY

File No.: GL-2672

May 24, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Ordinance Amending and Supplementing Chapter 66 of the Township Code
Entitled "Streets and Sidewalks" and Establishing Article VI Thereof Entitled
"Street Trees"**

Dear Donna:

Enclosed please find ordinance amending Chapter 66 of the Township Code. It can be placed on the agenda for first reading at the next meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, P.E., Township Engineer-via email

ORDINANCE NO. 2024-18

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 12C OF THE TOWNSHIP CODE
ENTITLED "OFFICERS AND EMPLOYEES"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that the following provisions of Chapter 12C of the Township Code entitled "Officers and Employees" is hereby amended as follows:

SECTION 1.

§12C-1 Unchanged.

§12C-2 Unchanged.

§12C-3 Unchanged.

§12C-4 Unchanged.

§12C-5 Unchanged.

§12C-6 Unchanged.

§12C-7 Township Committee.

A. Unchanged.

B. Unchanged.

C. The Mayor and members of the Township Committee shall be ineligible for full-time employment within the Township for a period of two (2) years after their term as a member of the Township Committee.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be

unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **6th day of June, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **2nd day of July, 2024, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

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Brigit P. Zahler*
Christopher A. Khatami
William J. Oxley
*Also admitted in NY

File No.: GL-2672

May 30, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Ordinance Amending and Supplementing Chapter 12C of the Township Code
Entitled "Officers and Employees"**

Dear Donna:

Enclosed please find proposed ordinance which amends and supplements Chapter 12C of the Township Code. It can be placed on the agenda for the next Township Committee meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Martin Lisella, Township Administrator-via email

ORDINANCE NO. 2024-19

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 55 OF THE TOWNSHIP CODE
ENTITLED "LAND USE" AND SPECIFICALLY
SECTION 55-355.5.1 ENTITLED "AFFORDABLE
HOUSING ADMINISTRATION FEES"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 55 of the Township Code entitled "Land Use" and specifically Section 55-355.5.1 entitled "Affordable Housing Administration and Fees" shall be supplemented to read as follows:

SECTION 1.

§55-355.5.1 Affordable housing administration fees.

A. The following fees shall be paid by the developer, sponsor, owner, or landlord, as applicable, of an affordable housing unit to the Township, except in situations where the developer acts as its own affordable housing agent:

- (1) Unchanged.
- (2) Unchanged.
- (3) Unchanged.

B. All developments that include affordable housing rental units shall on an annual basis on or before February 1 each year, provide to the Township Affordable Housing Planner, Affordable Housing Agent, and Planning/Zoning Administrator a list of all tenants and of units occupied for the previous twelve (12) months of all affordable housing rental units. This aforementioned list shall include, at a minimum:

- i. Name of Tenant(s)
- ii. Address of Unit

iii. Date of Occupancy

iv. Term of Lease

C. To the extent that the affordable housing rental unit landlord or property owner has failed to pay the required re-rental fee as set forth in §55-355.5.1A(1) above, the landlord or property owner shall pay the fee as well as an additional late fee of \$300.00 within five (5) days written notice by the Township.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

DASTI STAIGER
ATTORNEYS AT LAW

310 Lacey Road P.O. Box 779
Forked River, NJ 08731

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **6th day of June, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **2nd day of July, 2024, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

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*Also admitted in NY

File No.: GL-2672

May 30, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

Re: Ordinance Amending and Supplementing Chapter 55-355.5.1 of the Township Code Entitled "Affordable Housing Administration Fees"

Dear Donna:

Enclosed please find proposed ordinance which amends and supplements the Township's affordable housing regulations **providing** that landlords have to submit an annual report of their **current tenants** for the previous twelve months by February 1 each year. There is a late penalty of \$300 if they fail to pay any of the \$600 affordable housing rental fees.

If you have any questions, please do not hesitate to **contact** me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Stacey Cole, **Planning/Zoning Board Administrator/Secretary**-via email
Martin Lisella, **Township Administrator**-via email
Thomas Lombarski, **CFO**-via email
Kurt Otto, P.E., **Township Engineer**-via email
Crystal Brinson, **Tax Collector**-via email
Chris Dochney, **Affordable Housing Planner**-via email

ORDINANCE NO. 2024-20

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 18 OF THE TOWNSHIP CODE
ENTITLED "PUBLIC WORKS DEPARTMENT"
AND SPECIFICALLY SECTION 4 THEREOF
ENTITLED "POWERS AND DUTIES"**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 18 of the Township Code entitled "Public Works Department" is hereby amended and supplemented specifically Section 4 thereof entitled "Powers and Duties" shall read as follows:

SECTION 1.

§18-4 Powers and duties.

The Department of Public Works Department shall have charge and supervision of the care, maintenance and construction of all streets and public right-of-ways accepted by the Township; construction, operation and maintenance of all storm-water drains, gutters and appurtenances thereto, care and maintenance, erection and construction of all signs owned by the municipality; the clearing of all municipal roadways and ways; the maintenance of all parks and playgrounds accepted by the Township including public docks, beach areas and buildings and grounds; and shall perform such other services and functions as may from time to time be directed by the Department Head or Township Administrator or Township Committee. Any member of the Public Works Department may be assigned duties as the need and emergency arises.

SECTION 2. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be

unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **6th day of June, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **2nd day of July, 2024, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

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William J. Oxley

*Also admitted in NY

File No.: GL-2672

June 4, 2024

Via Email

Donna M. Manno, Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Ordinance Amending and Supplementing Chapter 18 of the Township Code
Entitled "Public Works Department" and Specifically Section 4 Thereof
Entitled "Powers and Duties"**

Dear Donna:

Enclosed please find ordinance amending Chapter 18-4 of the Township Code. It can be placed on the agenda for first reading at the next meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, P.E., Township Engineer-via email

RESOLUTION 2024-224

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING A REFUND OF PREMIUM PAID AT TAX SALE**

WHEREAS, premiums were paid on Tax Sale Certificates; and

WHEREAS, the properties have since been redeemed, and premiums must be refunded to the lien holders which is the purpose of this Resolution.

THEREFORE BE IT RESOLVED, by the Township committee that; the premiums be refunded to the lien holders, and the Treasurer is directed to draft checks accordingly, and the Collector to adjust her records for the following properties:

Block 116.07	Lot 27;	75 Deer Run Drive S
Block 114.22	Lot 23;	42 Bowline Street
Block 114.32	Lot 74;	14 Cove Street

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat New Jersey on June 6, 2024.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-225

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE REFUND OF ESCROW DEPOSITS

WHEREAS, the Municipal Land Use Law allows for refunding of unused escrow deposits, Cash Bonds, and accumulated interest, and

WHEREAS, Barnegat Township has received deposits for Review, Inspection fees and Cash Bonds, and

WHEREAS, it has been determined that the various applications and projects listed below have been withdrawn, or have received approval for release:

JOSEPH AND CAROLYN SWINGLE
BLOCK 113.11 LOT 12
ZB 23-08
ACCOUNT # 7766380502
ZONING BOARD REVIEW ESCROW \$ 230.80

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Barnegat that the Finance Officer is hereby directed to refund the remaining escrow Deposits, cash bonds and accumulated interest to the above applicants.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township at their regular meeting held on the 6th day of June 2024 at The Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-226

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, CERTIFYING THE GOVERNING BODY HAS REVIEWED THE GENERAL COMMENTS AND RECOMMENDATIONS OF THE 2023 AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Council of the Township of Barnegat, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Township Committee at their meeting held, in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ on June 6, 2024.

Donna M. Manno, RMC
Municipal Clerk

STATE OF NEW JERSEY }
TOWNSHIP OF Barnegat }
COUNTY OF OCEAN }

We, the members of the governing body of the Township of Barnegat, County of Ocean, of full age, being duly sworn to law, upon our oath depose and say:

1. We are duly elected members of the governing body of the Township of Barnegat, County of Ocean;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2023.
3. We certify that we have personally reviewed and are familiar with, at a minimum, the section of the Annual Audit entitled "Comments and Recommendations"

Joseph Marte, Mayor (L.S.) _____

Alfonso Cirulli, Deputy Mayor (L.S.) _____

Albert Bille, Committeeman (L.S.) _____

Pasquale (Pat) Pipi, Committeeman (L.S.) _____

Jake Townsend, Committeeman (L.S.) _____

Sworn to and subscribed before me this 6th Day of June, 2024

Notary Public of New Jersey

(seal)

The Municipal Clerk shall set forth the reason for the absence of signature of any member(s) of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, CM 803, Trenton, NJ 08625

RESOLUTION 2024-227

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO FIRST STREET THROUGH FY25 MUNICIPAL AID GRANT PROGRAM

NOW, THEREFORE, BE IT RESOLVED that Barnegat Township Committee formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2025-First Street Improvements -00204 to the New Jersey Department of Transportation on behalf of Barnegat Township for the FY24 Municipal Aid Grant Program.

BE IT FURTHER RESOLVED that Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Barnegat Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Municipal seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Donna Manno, RMC Municipal Clerk

Joseph Marte, Mayor

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify the foregoing resolution adopted by the Township Committee on June 6, 2024.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-228

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF OCEAN FOR UNIFORM CONSTRUCTION CODE INSPECTIONS, BUILDING SUB CODE OFFICIAL, ELECTRICAL SUB CODE OFFICIAL AND BUILDING INSPECTIONS

WHEREAS, the Township Committee of the Township of Barnegat believes it is in the best interest of the municipality to enter into a Shared Service Agreement with the Township of Ocean, a municipal corporation of the State of New Jersey for the provision of Uniform Construction Code Inspection Services for Building Inspections, Daniel Sharkey, License #009491, Building Sub-Code Official, Ken Triano, License #008875,

WHEREAS, the Shared Service Agreement for Construction Official and Plumbing Sub-Code will be terminated, however Barnegat will remain a back-up if necessary for all UCC services; and

WHEREAS, such Interlocal Agreement is authorizing pursuant to N.J.S.A. 40A:65-1, et seq. the New Jersey Shared Services Act and the proposed agreement is attached hereto; and

WHEREAS, it is the desire of each of the respective municipalities that payment of the salary to the officer or employee shall be the municipality which employs said individual at the time such services are performed; and

BE IT FURTHER RESOLVED that upon approval of this Agreement, by the Township Committees of the Township of Barnegat and the Township of Ocean, this Agreement may be executed by the Mayor and Township Clerk.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

- a. Honorable Joseph Marte, Mayor
- b. NJ Department of Community Affairs, Div. Codes and Standards
- c. Christopher Dasti, Esq., Barnegat Twp. Attorney
- d. Diane B. Ambrosio, RMC, Ocean Township Clerk

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 6th day of June, 2024.

Donna M. Manno, RMC
Municipal Clerk

SHARED SERVICES AGREEMENT BY AND BETWEEN

THE TOWNSHIP OF BARNEGAT

AND

THE TOWNSHIP OF OCEAN

OCEAN COUNTY, NEW JERSEY

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (“Barnegat”), with a business office located at 900 West Bay Avenue, Barnegat Township, New Jersey, and the Township of Ocean, County of Ocean, State of New Jersey (“Ocean”) with a business office located at 50 Railroad Avenue, Waretown, New Jersey, have undertaken discussions in order to determine what services can be exchanged and shared by and between the municipalities in order to best serve the interests of the residents and taxpayers of each municipality; and

WHEREAS, the discussions have led to a determination by Barnegat and Ocean that the best interests of both municipalities will be served if the municipalities take advantage of the provisions of the Shared Services and Consolidation Act, N.J.S.A. 40:65-1 *et seq.*; and

WHEREAS, the Township of Ocean now has their own Construction Official; and

WHEREAS, Barnegat Township now employs its own Plumbing Subcode Official; and

WHEREAS, as a result of these changes, the Township of Ocean and Barnegat Township find it necessary and appropriate to adopt a new Shared Services Agreement; and

WHEREAS, each party will provide back up and secondary services, whereby the Township of Ocean will provide secondary construction official services to Barnegat and Barnegat will provide secondary plumbing subcode official inspections to the Township of Ocean; and

WHEREAS, N.J.S.A. 40:65-1, *et seq.* specifically authorizes local government units to enter into agreements for the provision of shared services:

NOW, THEREFORE, in consideration of the mutual promises, agreements and other considerations made by and between the parties, Barnegat and Ocean do hereby agree as follows:

AGREEMENT

1. The Ocean will provide secondary construction official services to Barnegat; and
2. Barnegat will provide secondary plumbing subcode official inspections to the Township of Ocean.
3. This Agreement shall consist of the entire Agreement of the parties, and it is acknowledged that there is no side or oral Agreement relating to the undertakings as set forth. This Agreement and all rights, duties and obligations contained herein may not be assigned without either party's prior written permission.
4. It is understood and agreed by the parties that failure or delay in the enforcement of any of the provisions of this Agreement by either of the parties shall not be construed as a waiver of those provisions.
5. The parties acknowledge that this Agreement was reviewed by their respective Legal Counsel, and therefore, no presumption shall arise against the Drafter of this Agreement.

IN WITNESS WHEREOF, the appropriate elected officials of the Township of Barnegat and the Township of Ocean have placed their signatures and appropriate seals on this ____ day of _____, 2024.

ATTEST:

TOWNSHIP OF BARNEGAT

Donna Manno, Municipal Clerk

Joseph Marte, Mayor

ATTEST:

TOWNSHIP OF OCEAN

Diane B. Ambrosio, Municipal Clerk

Lydia Dodd, Mayor

RESOLUTION 2024-170

**RESOLUTION OF THE TOWNSHIP OF OCEAN,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING A TERMINATION OF A SHARED SERVICES AGREEMENT
WITH THE TOWNSHIP OF BARNEGAT FOR
CONSTRUCTION OFFICIAL AND PLUMBING SUBCODE SERVICES**

WHEREAS, the Township Committee of the Township of Ocean believes it is in the best interest of the municipality and its residents to end the Shared Services Agreement with the Township of Barnegat, a municipal corporation of the State of New Jersey for the provision of Construction Official and Plumbing Subcode Official within each respective municipality but remain as backup if necessary; and

WHEREAS, such Interlocal Agreement is authorized pursuant to N.J.S.A. 40A:65-1, et seq., the New Jersey Shared Services Act and the proposed agreement is attached hereto; and

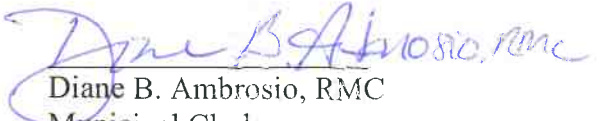
BE IT FURTHER RESOLVED that upon the approval of this Agreement, by the Township Committees of the Township of Ocean and the Township of Barnegat, this Agreement may be executed by the Mayor and Township Clerk.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

- a. Honorable Lydia M. Dodd, Mayor
- b. New Jersey Department of Community Affairs
- c. Honorable Joseph Marte, Mayor of Barnegat Township

CERTIFICATION

I, Diane B. Ambrosio, Municipal Clerk of the Township of Ocean, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township of Ocean Committee at their regular meeting held on the 21st day of May 2024, in the Municipal Complex, 50 Railroad Avenue, Waretown, NJ


Diane B. Ambrosio, RMC
Municipal Clerk

RESOLUTION 2024-229

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AUTHORIZING THE RENEWAL OF LIQUOR
LICENSES FOR THE 2024/2025 TERM**

WHEREAS, in accordance with N.J.S.A. 33:1.1 Liquor Licenses issued by a Municipality must be issued or renewed on or before July 1, and

WHEREAS, the corporations listed below have submitted their renewal applications and fees to the Municipal Clerk's Office, and to the State in accordance with State Statute, now

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, that this governing body hereby gives approval for the renewal of the following Plenary Retail Distribution and Consumption Licenses for the term 2024/2025:

Active Licenses

Jamuna, LLC T/A Spirits Unlimited 580 North Main Street, Barnegat, NJ	No. 1533-33-001-008
Table 21 LLC T/A Doyle's Pour House 345 South Main Street, Barnegat, NJ	No. 1533-33-003-011
Leflor's LLC T/A Lefty's Tavern 547 North Main Street, Barnegat, NJ	No. 1533-33-004-007
Sree Krishna, Inc. T/A Meyers Liquor Outlet 760 Lighthouse Drive, Barnegat, NJ	No. 1533-44-005-006
Sri Vaidhika Inc T/A Barnegat Wine & Spirits LLC 362 North Main Street Barnegat, NJ 08005	No. 1533-44-010-006
Sun Harbor Seafood T/A Sun Harbor Seafood & Grill 451 E. Bay Avenue, Barnegat, NJ	No. 1533-33-002-006

Inactive Licenses:

Peter Fabian	No. 1533-33-011-002
Franklin Barnegat Liquor	No. 1533-33-012-004

BE IT FURTHER RESOLVED that according to State Statute, the following Club Licenses are hereby renewed for the 2024/2025 term:

Club Licenses

American Legion Post 232 499 N. Main Street PO Box 364, Barnegat, NJ	No. 1533-31-006-001
--	---------------------

Barnegat Fire Co. No. 1 11 Birdsall Street PO Box 539, Barnegat, NJ 08005	No. 1533-31-009-001
---	---------------------

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 6th day of June, 2024.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-230

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW
JERSEY, AWARDING MARK ANTHONY CHEVROLET THE BID TO
PURCHASE ONE (1) 2024 CHEVY TAHOE 4WD FOR THE CHIEF
TRUCK FOR THE BARNEGAT FIRE DEPARTMENT**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has solicited bids for the purchase of One (1) 2024 Chevrolet Tahoe 4WD (or comparable); and

WHEREAS, the bids were solicited in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, one bid had been received by the Township in response to the bid solicitation as follows:

Mark Anthony Chevrolet (Pellegrino Chevrolet) \$56,494.75
1000 Gateway Blvd
Westville, NJ 08093

WHEREAS, the bid submitted by the apparent lowest responsible bidder, Mark Anthony Chevrolet has been reviewed by the Barnegat Fire Chief and the Barnegat Purchasing Agent, and found to be acceptable as to form and content; and

WHEREAS, that the Chief Financial Officer ("CFO") does hereby certify the availability of funds with respect to purchasing from Mark Anthony Chevrolet (Pellegrino Chevrolet), 1000 Gateway Blvd, Westville, NJ 08093 for a price not to exceed \$56,494.5

The funds are available in the following line item(s):

Line Item(s)

Thomas Lombarski, CFO

WHEREAS, the attached schedule describes the vehicle and related options being purchased under bid; and

NOW, BE IT RESOLVED this 6th day of June, 2024 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, of the following:

1. The Township authorizes the issuance of required purchase charged to the appropriate accounts needed to acquire said vehicle.
2. The Township authorizes and directs the Mayor, Township Clerk, Chief Financial Officer and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their regular meeting held in the Municipal Complex 900 W. Bay Avenue, Barnegat on the 6th day of June, 2024

Donna M. Manno, RMC
Municipal Clerk

Pellegrino Chevrolet

1000 Gateway Blvd
 Westville, NJ 08093
 302-500-3956-Cell
 302-364-1569
 Contact: Rick DiRenzo
 fleetman13@gmail.com

Quote	
Year	2024
Make	CHEV
Model	TAHOE
Series	CK10706
Color	VICT RED
STK	232975

QUOTE		DATE
FROM USER BARNEGAT FIRE CO. NO.1		4/16/2024
SHIP TO same		

IN ACCORDANCE WITH AEP/ESC/NJ 23/24-11 Co-Op

QTY	MODEL #	DESCRIPTION	UNIT	TOTAL
1	CK10706	2024 TAHOE 4WD SPECIAL SERVICES EDITION		\$55,979.00
		SERIAL NUMBER 1GNSKLED8RR232975		
		AUTOMATIC START/STOP		
	L84	ENGINE 5.3L, ECO TEC V8		
	MHU	TRANSMISSION 10-SPD AUTOMATIC		
	C6H	GVW 7,500		
	5Y1/5T5	SEAT TRIM OVERRIDE-FRONT CLOTH-REAR VINYL		
	AZ3	FRONT 40/20/40 BENCH SEAT		
	ARMF	REMOTE KEYLESS ENTRY ADD'L FOBS-NOT PROGRAMMED		
	A2X	DRIVERS SIDE POWER ADJUSTABLE SEAT		
	6J3/6J4	WIRING, GRILLE LAMPS- SPEAKERS-HORN/SIREN CIRCUIT		
	6J7	FLASHER SYSTEM, HEADLAMP & TAILAMP		
	6JG	RED/BLUE LAMP PACKAGE		
	BG9	VINYL FLOORING		
	BTV	REMOTE START PACKAGE		
	PQA	1WT/FL SAFETY PACKAGE		
	RD4	20" PAINTED ALUMINUM WHEELS P275/60R20		
	NHT/JL1	MAX TRAILER PACKAGE W/CONTROLLER		
	IOR	CHEV INFOTAINMENT SYSTEM W/BLUETOOTH		
	K14	120 VOLT IN CAB RECEPTACLE/ CARGO BED		
	KK4	250 AMP ALTERNATOR		
	NZZ	SKID PLATE		
	NQH	2-SPEED AUTOTRAC ROTARY DIAL TRANSFER CASE		
	T53	REAR INTERIOR LEDS IN LIFT GATE R/B		
	UD5	REAR PARKING ASSIST		
	UT7	CARGO AREA GROUND STUDS		
UTQ		CONTENT THEFT ALARM DISABLE		
	UN9	RADIO SUPPRESSION PACKAGE		
	V76	RECOVERY HOOKS		
	VQK	MOLDED SPLASH GUARDS-FRT/REAR		
	WX7	WIRING PROVISIONS FOR AUXILIARY SPEAKER		
1	DEL	TEMP TAG/DELIVERY		\$515.75
		INCLUDES ALL STANDARD FACTORY OPTIONS FOR THIS MODEL		
TOTAL				\$56,494.75

RESOLUTION 2024-231

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,
STATE OF NEW JERSEY, SUPPORTING BILL H.R. 7084
“YOU EARNED IT, YOU KEEP IT ACT”**

WHEREAS, Ocean County is home to more than 200,000 senior citizens; and

WHEREAS, many of our seniors are living on fixed incomes and depend on their monthly Social Security benefits to pay for food, utilities, fuel and medical services; and

WHEREAS, Social Security payments have not kept pace with the rising costs of these necessities; and

WHEREAS, a bill pending in the United States House of Representatives, H.R. 7084, would exempt future Social Security benefits from federal income tax and allow our older adults to keep more of the money they have earned; and

WHEREAS, the legislation, dubbed the “You Earned It, You Keep It Act”, would be paid for by raising the base cap on the Social Security payroll tax for higher-earning Americans; and

WHEREAS, raising the base cap in 2025 to \$250,000 would help with the future solvency of the program through 2054, which is 20 years longer than present projections; and

WHEREAS, according to a non-partisan analysis, the bill would also reduce the federal debt by \$8.9 trillion over 75 years; and

WHEREAS, New Jersey residents are already exempt from paying state income tax on their Social Security benefits.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP OF BARNEGAT, STATE OF NEW JERSEY, strongly supports H.R. 7084, the “You Earned It, You Keep It Act” as introduced by Rep. Angie Craig of Minnesota.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to United States Senators Robert Menendez and Cory Booker, United States Representatives Chris Smith and Jeff Van Drew, Governor Phil Murphy, the 9th, 10th, 12th and 30th Legislative Offices, each New Jersey County, the Ocean County Mayors Association and all Ocean County Municipal Mayors.

CERTIFICATION

I, Donna M. Manno Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee of the Township of Barnegat at their regular meeting held on the 6th day of June, in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

Donna M. Manno, RMC
Municipal Clerk

COUNTY OF OCEAN

BOARD OF COMMISSIONERS



RECEIVED
MAY 08 2024
CLERK'S OFFICE

732-929-2005
FAX: (732) 505-1918

MICHELLE I. GUNTHER
CLERK OF THE BOARD

May 3, 2024

The Honorable Joseph Marte
Mayor of Barnegat Township
900 West Bay Avenue
Barnegat, NJ 08005

Dear Mayor Marte:

On May 1, 2024 the Ocean County Board of Commissioners adopted a resolution supporting H.R. 7084 "You Earned It, You Keep It Act", amending the Internal Revenue Code of 1986 to repeal the inclusion in gross income of social security benefits.

Enclosed please find a certified copy of the resolution for your use and files.

Very truly yours,

Michelle I. Gunther
Clerk of the Board

MIG:pac
Enclosure



RESOLUTION 2024-232

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ACCEPTING CHANGE ORDERS #60-67 FROM
FRANKOSKI CONSTRUCTION COMPANY
FOR THE NEW MUNICIPAL BUILDING**

WHEREAS, Frankoski Construction Company, 314 Dodd Street, East Orange, NJ, has previously been awarded a contract for the New Municipal Building; and

WHEREAS, Frankoski Construction Company has submitted a request for change orders to the original contract price of \$12,964,000.00; and

WHEREAS, this work was not included in the original scope of work, however would be beneficial to the New Municipal Building; and

WHEREAS, the Project Architect along with the Township Consultant has inspected and reviewed the documents submitted by the contractor and recommends acceptance of Change Order #60-65, totaling \$-10,617.56 from Frankoski Construction Company as per explanation below;

Original Contract Amount:	\$ 12,964,000.00
Previously approved Change Orders: as of May 2024	<u>\$ 709,145.98</u>
Contract amount as of May 2024:	<u>\$ 13,673,145.98</u>

CHANGE ORDER #60: <i>Reimburse Township for Utility Bills for Early 2024</i>	\$ -13,224.31
--	----------------------

CHANGE ORDER #61: <i>Provide 2 Schlage wireless gateways</i>	\$ 6,926.69
--	--------------------

CHANGE ORDER #62 <i>Add 3 Security Cameras where directed</i>	\$ 11,682.45
---	---------------------

CHANGE ORDER #63 <i>Dispose of incorrect ceiling light fixtures</i>	\$ 975.79
---	------------------

CHANGE ORDER #64 <i>Credit the Township for deletion of Gym Flooring</i>	\$ -18,179.00
--	----------------------

CHANGE ORDER #65 <i>Provide additional floor mounted detention bench</i>	\$ 1,200.82
--	--------------------

TOTAL AMOUNT OF CHANGE ORDER #60-65	<u>\$ -10,617.56</u>
--	-----------------------------

New Contract Amount:	<u>\$ 13,662,528.42</u>
-----------------------------	--------------------------------

WHEREAS, the Chief Financial Officer (“CFO”) does hereby certify the availability of funds with respect to approving change orders #60-65 to Frankoski Construction Company, 314 Dodd Street, East Orange, NJ in the amount of \$-10,617.56; and

Net Increase Percentage over original contract amount: 5.47%

The funds are available in the following line item(s):

C-04-55-963-904

Line Item(s)

Thomas Lombarski, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Barnegat that Change Order #60-65 in the amount of \$-10,617.56 has been approved for the New Municipal Building.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular committee meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 6th day of June, 2024

Donna M. Manno, RMC
Municipal Clerk

CHANGE ORDER

Project: New Municipal/Police/Court Building
 BARNEGAT TOWNSHIP
 Barnegat, NJ 08005

Change Order # General 60
Initiation Date: 3/26/24
Architect's Ref: BMPC
Contract No.: 1
Contract Date: 12/15/20
Constr. Period: 660

Copies: copiesVar

Contractor: Greg Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

You are directed to make the following changes in this Contract:
REIMBURSE TOWNSHIP FOR UTILITY BILLS FOR EARLY 2024:

Reimburse the Township for utility bills the payment of which is the Contractor's responsibility under the Contract. Pricing consists of NJNC invoice from 01/03/24 to 02/01/24 for \$1,889.42, plus invoice from 02/01/24 to 03/04/24 for \$1,792.61, plus JCP&L invoice to 01/29/24 for \$4,458.24 plus invoice to 02/29/24 for \$5,084.04.

Deduct \$ -13,224.31

The original Contract Sum.....	\$	12,964,000.00
Net change by previously authorized Change Orders.....	\$	709,145.98
The Contract Sum prior to this Change Order was.....	\$	13,673,145.98
The Contract Sum will be changed by this Change Order.....	\$	-13,224.31
The new Contract Sum including this Change Order will be.....	\$	13,659,921.67
The Contract Time will be changed by.....		0 days
The total change in the Date of Substantial Completion as of this C.O. is therefore.....		86.00 days

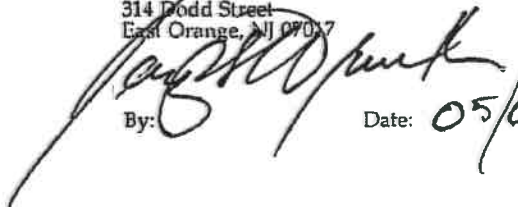
Authorized by ARCHITECT
 Eliot Goldstein, AIA, Partner
 THE GOLDSTEIN PARTNERSHIP
 515 Valley Street, Suite 110
 Maplewood, NJ 07040

Authorized by: OWNER
 Joseph Marte, Mayor
 BARNEGAT TOWNSHIP
 900 West Bay Avenue
 Barnegat, NJ 08005

By:  Date: 03/26/24

By:  Date: 5-7-2024

Agreed to by CONTRACTOR
 Greg Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

By:  Date: 05/03/24

CHANGE ORDER

Project: New Municipal/Police/Court Building
 BARNEGAT TOWNSHIP
 Barnegat, NJ 08005

Change Order # General 61
 Initiation Date: 4/29/24
 Architect's Ref: BMPC
 Contract No.: 1
 Contract Date: 12/15/20
 Constr. Period: 660

Copies: copiesVar

Contractor: Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

You are directed to make the following changes in this Contract:
PROVIDE 2 SCHLAGE WIRELESS GATEWAYS:

Pricing is in accordance with FCC's PCO #77R1, dated 03/25/24.

Add \$ 6,926.69

The original Contract Sum.....	\$	12,964,000.00
Net change by previously authorized Change Orders.....	\$\$	695,921.67
The Contract Sum prior to this Change Order was.....	\$\$\$	13,659,921.67
The Contract Sum will be changed by this Change Order.....	\$\$\$\$	6,926.69
The new Contract Sum including this Change Order will be.....	\$\$\$\$\$	13,666,848.40
The Contract Time will be changed by.....		0 days
The total change in the Date of Substantial Completion as of this C.O. is therefore.....		86.00 days

Authorized by ARCHITECT
 Eliot Goldstein, AIA, Partner
 THE GOLDSTEIN PARTNERSHIP
 515 Valley Street, Suite 110
 Maplewood, NJ 07040

Authorized by: OWNER
 Joseph Marte, Mayor
 BARNEGAT TOWNSHIP
 900 West Bay Avenue
 Barnegat, NJ 08005

By:  Date: 04/29/24

By:  Date: 5/6/24

Agreed to by CONTRACTOR
 Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

By:  Date: 05/11/24

CHANGE ORDER

Project: New Municipal/Police/Court Building
 BARNEGAT TOWNSHIP
 Barnegat, NJ 08005

Change Order # General 62
Initiation Date: 4/29/24
Architect's Ref: BMPC
Contract No.: 1
Contract Date: 12/15/20
Constr. Period: 660

Copies:
 copiesVar

Contractor: Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

You are directed to make the following changes in this Contract:

ADD 3 SECURITY CAMERAS WHERE DIRECTED:

Pricing is in accordance with FCC's PCO #79, dated 03/29/24.

Add \$ 11,682.45

The original Contract Sum.....	\$	12,964,000.00
Net change by previously authorized Change Orders.....	\$	702,848.36
The Contract Sum prior to this Change Order was.....	\$	13,666,848.36
The Contract Sum will be changed by this Change Order.....	\$	11,682.45
The new Contract Sum including this Change Order will be.....	\$	13,678,530.81
The Contract Time will be changed by.....		0 days
The total change in the Date of Substantial Completion as of this C.O. is therefore.....		86.00 days

Authorized by ARCHITECT
 Eliot Goldstein, AIA, Partner
 THE GOLDSTEIN PARTNERSHIP
 515 Valley Street, Suite 110
 Maplewood, NJ 07040

Authorized by: OWNER
 Joseph Marte, Mayor
 BARNEGAT TOWNSHIP
 900 West Bay Avenue
 Barnegat, NJ 08005

By:  Date: 04/29/24

By:  Date: 5/6/24

Agreed to by CONTRACTOR
 Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

By:  Date: 05/11/24

CHANGE ORDER

Project: New Municipal/Police/Court Building
 BARNEGAT TOWNSHIP
 Barnegat, NJ 08005

Change Order # General 63
Initiation Date: 4/29/24
Architect's Ref: BMPC
Contract No.: 1
Contract Date: 12/15/20
Constr. Period: 660
Copies: copiesVar

Contractor: Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

You are directed to make the following changes in this Contract:

DISPOSE OF INCORRECT CEILING LIGHT FIXTURES:

Pricing is in accordance with FCC's PCO #80, dated 03/29/24. (Architect will credit the Township in this amount in its 05/01/24 invoice.)

Add \$ 975.79

The original Contract Sum.....	\$	12,964,000.00
Net change by previously authorized Change Orders.....	\$	714,530.81
The Contract Sum prior to this Change Order was.....	\$	13,678,530.81
The Contract Sum will be changed by this Change Order.....	\$	975.79
The new Contract Sum including this Change Order will be.....	\$	13,679,506.60
The Contract Time will be changed by.....		0 days
The total change in the Date of Substantial Completion as of this C.O. is therefore.....		86.00 days


Authorized by ARCHITECT
 Eliot Goldstein, AIA, Partner
 THE GOLDSTEIN PARTNERSHIP
 515 Valley Street, Suite 110
 Maplewood, NJ 07040

Authorized by: OWNER
 Joseph Marte, Mayor
 BARNEGAT TOWNSHIP
 900 West Bay Avenue
 Barnegat, NJ 08005

By:  Date: 04/29/24

By:  Date: 5/6/24

Agreed to by CONTRACTOR
 Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

By:  Date:

CHANGE ORDER

Project: New Municipal/Police/Court Building
 BARNEGAT TOWNSHIP
 Barnegat, NJ 08005

Change Order # General 64
Initiation Date: 4/29/24
Architect's Ref: BMPC
Contract No.: 1
Contract Date: 12/15/20
Constr. Period: 660

Copies:
 copiesVar

Contractor: Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

You are directed to make the following changes in this Contract:

CREDIT THE TOWNSHIP FOR THE DELETION OF GYM FLOORING FROM THE CONTRACT:

Pricing is in accordance with FCC's PCO #083R1, dated 04/29/24.

Deduct \$ -18,179.00

The original Contract Sum.....	\$	12,964,000.00
Net change by previously authorized Change Orders.....	\$	715,506.60
The Contract Sum prior to this Change Order was.....	\$	13,679,506.60
The Contract Sum will be changed by this Change Order.....	\$	-18,179.00
The new Contract Sum including this Change Order will be.....	\$	13,661,327.60
The Contract Time will be changed by.....		0 days
The total change in the Date of Substantial Completion as of this C.O. is therefore.....		86.00 days


Authorized by ARCHITECT
 Eliot Goldstein, AIA, Partner
 THE GOLDSTEIN PARTNERSHIP
 515 Valley Street, Suite 110
 Maplewood, NJ 07040

Authorized by: OWNER
 Joseph Marte, Mayor
 BARNEGAT TOWNSHIP
 900 West Bay Avenue
 Barnegat, NJ 08005

By:  Date: 04/29/24

By:  Date: 5/6/24

Agreed to by CONTRACTOR
 Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

By:  Date: 05/10/24

CHANGE ORDER

Project: New Municipal/Police/Court Building
 BARNEGAT TOWNSHIP
 Barnegat, NJ 08005

Change Order # General 65
Initiation Date: 4/29/24
Architect's Ref: BMPC
Contract No.: 1
Contract Date: 12/15/20
Constr. Period: 660

Copies:
 copiesVar

Contractor: Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

You are directed to make the following changes in this Contract:
PROVIDE ADDITIONAL FLOOR-MOUNTED DETENTION BENCH:

Pricing is in accordance with FCC's PCO #84, dated 04/26/24.

Add \$ 1,200.82

The original Contract Sum.....	\$	12,964,000.00
Net change by previously authorized Change Orders.....	\$	697,327.60
The Contract Sum prior to this Change Order was.....	\$	13,661,327.60
The Contract Sum will be changed by this Change Order.....	\$	1,200.82
The new Contract Sum including this Change Order will be.....	\$	13,662,528.42
The Contract Time will be changed by.....		0 days
The total change in the Date of Substantial Completion as of this C.O. is therefore.....		86.00 days

Authorized by ARCHITECT
 Eliot Goldstein, AIA, Partner
 THE GOLDSTEIN PARTNERSHIP
 515 Valley Street, Suite 110
 Maplewood, NJ 07040

Authorized by: OWNER
 Joseph Marte, Mayor
 BARNEGAT TOWNSHIP
 900 West Bay Avenue
 Barnegat, NJ 08005

By:  Date: 04/29/24

By:  Date: 5/6/24

Agreed to by CONTRACTOR
 Joe Frankoski, Project Executive
 FRANKOSKI CONSTRUCTION
 314 Dodd Street
 East Orange, NJ 07017

By:  Date: 05/01/24

RESOLUTION 2024-233

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING PROGRESS PAYMENT #36 TO FRANKOSKI CONSTRUCTION CO. FOR THE NEW MUNICIPAL BUILDING AND CHECK MADE PAYABLE TO TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

WHEREAS, Frankoski Construction Co., 314 Dodd Street, East Orange, NJ, has previously been awarded a contract for the New Municipal Building; and

WHEREAS, Frankoski Construction Co., has submitted a request for Payment #36 in the amount of \$84,664.03; and

WHEREAS, the Project Architect has inspected and reviewed the documents submitted by the contractor and all are in order and recommend payment of the voucher submitted; now

THEREFORE, BE IT RESOLVED, by the Township Committee of The Township of Barnegat, County of Ocean, State of New Jersey that Payment #36 in the amount of \$84,664.03 is hereby approved, the Chief Financial Officer is hereby authorized to issue a check in care of Frankoski Construction Co., 314 Dodd Street, East Orange, NJ in the amount of \$84,664.03 and the check to be made payable to Travelers Casualty and Surety Company of America representing Payment #36 for work completed on the New Municipal Building

Original Contract Sum:	\$ 12,964,000.00
<i>Net Change by Change Orders</i>	\$ 698,528.42
Contract Sum to date:	\$ 13,662,528.42
Total completed & stored to date:	\$ 11,767,384.22
Less Retainage of 2%:	\$ 235,347.68
Total earned less retainage:	\$ 11,532,036.54
Less previous payments:	\$ 11,447,372.51
Total Payment #35 Due:(Payable to Travelers)	\$ 84,664.03
Balance to Finish including Retainage:	\$ 2,130,491.88

CERTIFICATION

I, Donna M. Manno, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular Committee meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 6th day of June, 2024

Donna M. Manno, RMC
Municipal Clerk

APPLICATION AND CERTIFICATION FOR PAYMENT

A/A DOCUMENT G702

TO OWNER:	Township of Barnegat 900 West Bay Avenue Barnegat, NJ 08005	PROJECT:	BMPC New Municipal Building 900 West Bay Avenue Barnegat, NJ 08005	APPLICATION NO:	36	Distribution to:	OWNER <input checked="" type="checkbox"/>
FROM CONTRACTOR:	Frankoski Construction Co. 314 Dodd Street East Orange, NJ 07017	VIA ARCHITECT:	The Goldstein Partnership 515 valley Street, Suite 110 Maplewood, NJ 07040	PERIOD TO:	April 30 2024	ARCHITECT <input checked="" type="checkbox"/>	CONTRACTOR <input checked="" type="checkbox"/>
				CONTRACT DATE:	October 6, 2020	FIELD <input checked="" type="checkbox"/>	OTHER <input type="checkbox"/>
				PROJECT NOS:	BMPC		

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
A/A Document G703™, Continuation Sheet, is attached.

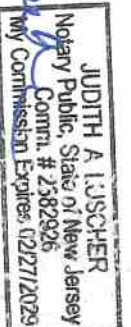
1. ORIGINAL CONTRACT SUM \$12,964,000.00
 2. NET CHANGE BY CHANGE ORDERS \$698,528.42
 3. CONTRACT SUM TO DATE (Line 1 + 2) \$13,662,528.42
 4. TOTAL COMPLETED AND STORED TO DATE (Column G on G71 \$11,767,384.22
 5. RETAINAGE:
 - a. 2 % of Completed Work \$235,347.68
(Column D + E on G703)
 - b. 2 % of Stored Material \$0.00
(Column F on G703)
- Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$235,347.68

6. TOTAL EARNED LESS RETAINAGE \$11,532,036.54
(Line 4 minus Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$11,447,372.51
(Line 6 from prior Certificate)
1. CURRENT PAYMENT DUE **\$84,664.03**
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$2,130,491.88
(Line 3 minus Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$864,928.10	(\$155,782.12)
Total approved this month	\$20,785.75	(\$31,403.31)
TOTAL	\$885,713.85	(\$187,185.43)
NET CHANGES by Change Order		\$698,528.42

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by the Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payments shown herein is now due.

CONTRACTOR: _____
 By: Judith A. Juscher
 State of New Jersey
 County of Essex
 Subscribed and sworn to before me this 20th day of May 2024
 Notary Public Judith A. Juscher
 My Commission expires: 01/07/29



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: **\$84,664.03**
(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm with the amount certified.)

ARCHITECT: _____
 By: [Signature] Date: 5/21/2024

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

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CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document, G702™ - 1992, Application and Certification for Payment, or G713™ - 2009, Project Application and Project Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.
 In tabulations below, amounts are in US dollars.
 Use Column I on Contracts where variable retainage for line item may apply.

APPLICATION NO: 36
 APPLICATION DATE: 5/15/24
 PERIOD TO: 4/30/24
 ARCHITECT'S PROJECT NO: BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G÷C)			
DIVISION 1 - GENERAL CONDITIONS									
1	GC Management	\$440,100.00	375,100.00			375,100.00	85.2%	\$65,000.00	\$7,502.00
2	Insurance	\$86,525.00	76,500.00			76,500.00	88.4%	\$10,025.00	\$1,530.00
3	Bond Fee	\$138,710.00	138,710.00			138,710.00	100.0%	\$0.00	\$2,774.20
4	Mobilization	\$40,000.00	40,000.00			40,000.00	100.0%	\$0.00	\$800.00
5	Demobilization	\$10,000.00	0.00			0.00	0.0%	\$10,000.00	\$0.00
6	Miscellaneous Trade Cost and Site Logistics	\$175,600.00	160,000.00			160,000.00	91.1%	\$15,600.00	\$3,200.00
7	General Labor and Cleanup	\$99,962.00	89,650.00			89,650.00	89.7%	\$10,312.00	\$1,793.00
8	Temp Fence, Dump, Rentals, Trailers, Portajohn	\$81,780.00	73,550.00			73,550.00	89.9%	\$8,230.00	\$1,471.00
9	Writer Protection	\$10,000.00	9,000.00			9,000.00	90.0%	\$1,000.00	\$180.00
10	Procure	\$9,000.00	8,200.00			8,200.00	91.1%	\$800.00	\$164.00
11	Testing	\$12,000.00	11,000.00			11,000.00	91.7%	\$1,000.00	\$220.00
12	GC Overhead and Profit	\$214,350.00	188,250.00			188,250.00	87.8%	\$26,100.00	\$3,765.00
13	Asbestos Abatement / Plan	\$37,590.00	3,750.00			3,750.00	10.0%	\$33,840.00	\$75.00
14	Subgrade R/R 1200 CY Allowance	\$84,000.00	59,003.00			59,003.00	70.2%	\$24,997.00	\$1,180.06
15	CM Allowance	\$220,000.00	220,000.00			220,000.00	100.0%	\$0.00	\$4,400.00
DIVISION 2 - SITEWORK									
16	Sitework General Conditions	\$19,100.00	14,325.00			14,325.00	75.0%	\$4,775.00	\$286.50
17	Sitework Mobilization	\$24,000.00	3,200.00			3,200.00	13.3%	\$20,800.00	\$64.00
18	Sitework Layout	\$21,000.00	13,800.00			13,800.00	65.7%	\$7,200.00	\$276.00
19	Soil Erosion and Sediment Controls	\$17,700.00	11,500.00			11,500.00	65.0%	\$6,200.00	\$230.00
20	Clear Site/Demolition	\$101,000.00	33,330.00			33,330.00	33.0%	\$67,670.00	\$666.60
21	Excavation and Grading	\$188,250.00	100,125.00			100,125.00	53.2%	\$88,125.00	\$2,002.50
22	Sanitary Sewer System	\$13,000.00	11,700.00			11,700.00	90.0%	\$1,300.00	\$234.00
23	Storm Drainage System / Under Drain System	\$293,000.00	234,450.00			234,450.00	80.0%	\$58,550.00	\$4,689.00
24	Water Services	\$27,500.00	27,500.00			27,500.00	100.0%	\$0.00	\$550.00
25	Concrete Curbs	\$171,000.00	42,750.00			42,750.00	25.0%	\$128,250.00	\$855.00
26	Walks	\$67,000.00	26,800.00			26,800.00	40.0%	\$40,200.00	\$536.00
27	Pavers	\$49,000.00	0.00			0.00	0.0%	\$49,000.00	\$0.00
28	Site Lighting Conduit (Excavation Only)	\$27,000.00	9,000.00			9,000.00	45.0%	\$18,000.00	\$180.00
29	Site Lighting Foundations	\$27,000.00	0.00			0.00	0.0%	\$27,000.00	\$0.00
30	Basement Excavation and Backfill	\$103,000.00	103,000.00			103,000.00	100.0%	\$0.00	\$2,060.00
31	Irrigation System	\$32,000.00	0.00			0.00	0.0%	\$32,000.00	\$0.00
32	DGABC Subbase	\$127,000.00	38,100.00			38,100.00	30.0%	\$88,900.00	\$762.00
33	Bituminous Base Course	\$207,000.00	62,100.00			62,100.00	30.0%	\$144,900.00	\$1,242.00
34	Permanent Fencing	\$51,000.00	0.00			0.00	0.0%	\$51,000.00	\$0.00
35	Topsighting	\$14,000.00	2,800.00			2,800.00	20.0%	\$11,200.00	\$56.00
36	Fert & Seed	\$3,700.00	0.00			0.00	0.0%	\$3,700.00	\$0.00
37	Landscape Plans	\$32,000.00	0.00			0.00	0.0%	\$32,000.00	\$0.00
38	Traffic Control	\$6,800.00	3,400.00			3,400.00	50.0%	\$3,400.00	\$68.00
39	Demolition of Building	\$80,000.00	0.00			0.00	0.0%	\$80,000.00	\$0.00

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document, G702™ - 1992, Application and Certification for Payment, or G713™ - 2009, Project Application and Project Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.
 In tabulations below, amounts are in US dollars.
 Use Column I on Contracts where variable retainate for line item may apply.

APPLICATION NO: 36
 APPLICATION DATE: 5.15.24
 PERIOD TO: 4.30.24
 ARCHITECT'S PROJECT NO: BWPC

A ITEM NO	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G÷C)			
40	Bituminous Surface Course	\$160,000.00	0.00			0.00	0.00	\$160,000.00	\$0.00
41	Roadway/Parking Striping	\$7,000.00	0.00			0.00	0.00	\$7,000.00	\$0.00
42	Temporary Paving	\$4,150.00	0.00			0.00	0.00	\$4,150.00	\$0.00
43	Traffic Signage	\$1,800.00	0.00			0.00	0.00	\$1,800.00	\$0.00
44	Benches and Trash Receptacles	\$42,000.00	0.00			0.00	0.00	\$42,000.00	\$0.00
45	Retaining Walls	\$9,000.00	0.00			0.00	0.00	\$9,000.00	\$0.00
46	Curved Retaining Walls	\$9,000.00	0.00			0.00	0.00	\$9,000.00	\$0.00
47	Sitework Closeout	\$2,000.00	0.00			0.00	0.00	\$2,000.00	\$0.00
48	Survey & Layout	\$11,100.00	7,500.00			7,500.00	67.6%	\$3,600.00	\$150.00
DIVISION 3 - CONCRETE									
49	Concrete Submittals	\$7,500.00	7,500.00			7,500.00	100.0%		\$150.00
50	Mobilization	\$12,500.00	12,500.00			12,500.00	100.0%		\$250.00
51	Excavation for Footings	\$25,415.00	25,415.00			25,415.00	100.0%		\$508.30
52	Backfill	\$14,120.00	14,120.00			14,120.00	100.0%		\$282.40
53	Footings- Strip and Spread-Basement/Rebar	\$69,212.00	69,212.00			69,212.00	100.0%		\$1,384.24
54	Foundation Walls-Basement	\$66,957.00	66,957.00			66,957.00	100.0%		\$1,339.14
55	Footings-Strip and Spread-North Side	\$51,505.00	51,505.00			51,505.00	100.0%		\$1,030.10
56	Foundation Walls-North Side	\$26,980.00	26,980.00			26,980.00	100.0%		\$539.60
57	Footings-Strip and Spread-South Side	\$48,402.00	48,402.00			48,402.00	100.0%		\$968.04
58	Foundation Walls-South Side	\$25,633.00	25,633.00			25,633.00	100.0%		\$512.66
59	Footings-Strip-Entrance Sign	\$30,289.00	0.00			0.00		\$30,289.00	\$0.00
60	Foundation Walls-Entrance Sign	\$28,632.00	0.00			0.00		\$28,632.00	\$0.00
61	Elevator Pit Mat and Walls	\$4,226.00	4,226.00			4,226.00	100.0%		\$84.52
62	Piers-Basement CL D	\$18,889.00	18,889.00			18,889.00	100.0%		\$377.78
63	Piers-Basement-North Wall	\$16,059.00	16,059.00			16,059.00	100.0%		\$321.18
64	Piers-South Side CL E	\$15,270.00	15,270.00			15,270.00	100.0%		\$305.40
65	Piers-North Side Column R-2 through R-5	\$14,831.00	14,831.00			14,831.00	100.0%		\$296.62
66	Piers-North Side-CLA	\$15,753.00	15,753.00			15,753.00	100.0%		\$315.06
67	Piers-North Side-CLB	\$15,753.00	15,753.00			15,753.00	100.0%		\$315.06
68	Slab on Grade Basement	\$61,242.00	61,242.00			61,242.00	100.0%		\$1,224.84
69	Concrete Ceiling at Cell Blocks	\$6,740.00	6,740.00			6,740.00	100.0%		\$134.80
70	Concrete Walls at Cell Blocks	\$22,300.00	22,300.00			22,300.00	100.0%		\$446.00
71	1st floor slab on grade and deck	\$128,258.00	128,258.00			128,258.00	100.0%		\$2,565.16
72	2nd floor slab on deck	\$98,026.00	98,026.00			98,026.00	100.0%		\$1,960.52
73	Set base plates	\$4,435.00	4,435.00			4,435.00	100.0%		\$88.70
74	Metal Stair Pan Fill	\$2,473.00	2,473.00			2,473.00	100.0%		\$49.46
75	Demobilization	\$12,500.00	10,625.00			10,625.00	85.0%	\$1,875.00	\$212.50
76	Punch List	\$17,400.00	0.00			0.00		\$17,400.00	\$0.00
77	Closeout	\$8,700.00	0.00			0.00		\$8,700.00	\$0.00
DIVISION 4 - MASONRY									
78	Submittals/Shops	\$3,500.00	3,500.00			3,500.00	100.0%		\$70.00

CONTINUATION SHEET

AIA DOCUMENT G703

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 In tabulations below, amounts are in US dollars.
 Use Column I on Contracts where variable retainage for line item may apply.

APPLICATION NO: 36
 APPLICATION DATE: 5/15/24
 PERIOD TO: 4/30/24
 ARCHITECT'S PROJECT NO: BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G+C)			
79	Mobilization	\$2,500.00	2,500.00			2,500.00	100.0%		\$50.00
80	8 inch and 4 inch exterior backup block material	\$7,000.00	7,000.00			7,000.00	100.0%		\$140.00
81	8 inch and 4 inch exterior backup block labor	\$35,000.00	35,000.00			35,000.00	100.0%		\$700.00
82	8 inch interior block partition material	\$13,000.00	13,000.00			13,000.00	100.0%		\$260.00
83	8 inch interior block partition labor	\$65,000.00	65,000.00			65,000.00	100.0%		\$1,300.00
84	Masonry veneer material	\$63,000.00	63,000.00			63,000.00	100.0%		\$1,260.00
85	Masonry material / veneer labor mock up	\$118,000.00	118,000.00			118,000.00	100.0%		\$2,360.00
86	GROUT and rebar material and labor	\$24,000.00	24,000.00			24,000.00	100.0%		\$480.00
87	Cast stone material	\$37,000.00	37,000.00			37,000.00	100.0%	\$750.00	\$585.00
88	Cast stone labor	\$30,000.00	29,250.00			29,250.00	97.5%		\$360.00
89	2 inch rigid insulation material and labor	\$18,000.00	18,000.00			18,000.00	100.0%		\$320.00
90	Scaffold labor and material	\$16,000.00	16,000.00			16,000.00	100.0%		\$170.00
91	Flashing weeps control joints reinforcing wire	\$8,500.00	8,500.00			8,500.00	100.0%		\$240.00
92	Machine equipment fuel	\$12,000.00	12,000.00			12,000.00	97.5%	\$200.00	\$156.00
93	Daily cleanup labor	\$8,000.00	7,800.00			7,800.00	90.9%	\$2,000.00	\$50.00
94	Washdown of new masonry	\$22,000.00	20,000.00			20,000.00	90.9%		\$400.00
95	Dumpster enclosure foundation labor and material	\$2,500.00	2,500.00			2,500.00	100.0%		\$160.00
96	Dumpster enclosure split face labor and material	\$8,000.00	4,000.00			4,000.00	50.0%		\$160.00
97	GROUT and rebar at dumpster enclosure labor and material	\$2,000.00	1,000.00		4,000.00	2,000.00	100.0%		\$40.00
DIVISION 5 - STRUCTURAL & MISC. METALS									
98	Shop Drawings/Engineering	\$39,000.00	39,000.00			39,000.00	100.0%		\$780.00
99	Anchor Bolts	\$6,400.00	6,400.00			6,400.00	100.0%		\$128.00
100	Material/Fabrication	\$460,340.00	460,340.00			460,340.00	100.0%		\$9,206.80
101	Metal Floor Deck Material	\$40,000.00	40,000.00			40,000.00	100.0%		\$800.00
102	Metal Roof Deck Material	\$32,000.00	32,000.00			32,000.00	100.0%		\$640.00
103	Erection	\$320,000.00	320,000.00			320,000.00	100.0%		\$6,400.00
104	Steel Stairs	\$69,035.00	69,035.00			69,035.00	100.0%		\$1,380.70
105	Steel Railings	\$23,000.00	21,000.00		2,000.00	23,000.00	100.0%		\$460.00
106	Aluminum Railings and Infill Panels	\$49,650.00	37,650.00		9,517.50	47,167.50	95.0%	\$2,482.50	\$943.35
107	Misc. Steel and Accessories	\$15,000.00	13,875.00		1,125.00	15,000.00	100.0%		\$300.00
DIVISION 5E - COLD-FORMED METAL FRAMING									
108	Engineering/Shop drawings	\$7,000.00	7,000.00			7,000.00	100.0%		\$140.00
109	Layout	\$28,000.00	28,000.00			28,000.00	100.0%		\$560.00
110	Exterior Framing Material	\$88,000.00	88,000.00			88,000.00	100.0%		\$1,760.00
111	Exterior Framing Labor	\$141,500.00	141,500.00			141,500.00	100.0%		\$2,830.00
112	Interior Framing Material	\$66,000.00	66,000.00			66,000.00	100.0%		\$1,320.00
113	Interior Framing Labor	\$152,000.00	152,000.00			152,000.00	100.0%		\$3,040.00
DIVISION 6A - ROUGH & FINISH CARPENTRY									
114	Submittals	\$3,000.00	3,000.00			3,000.00	100.0%		\$60.00
115	Exterior Sheathing Material	\$16,000.00	16,000.00			16,000.00	100.0%		\$320.00
116	Exterior Sheathing Labor	\$30,000.00	30,000.00			30,000.00	100.0%		\$600.00

CONTINUATION SHEET

AIA DOCUMENT G703

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In tabulations below, amounts are in US dollars.

Use Column I on Contracts where variable retainage for line item may apply.

APPLICATION NO: 36

APPLICATION DATE: 5/15/24

PERIOD TO: 4/30/24

ARCHITECT'S PROJECT NO: BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G+C)			
117	Rough Carpentry Dimensional Lumber Material	\$37,000.00	37,000.00			37,000.00	100.0%		\$740.00
118	Rough Carpentry Plywood Material	\$24,000.00	24,000.00			24,000.00	100.0%		\$480.00
119	Rough Carpentry Labor	\$111,000.00	111,000.00			111,000.00	100.0%		\$2,220.00
120	Millwork Shop Drawings	\$12,000.00	12,000.00			12,000.00	100.0%		\$240.00
121	Millwork Into Desk Material	\$25,000.00	25,000.00			25,000.00	100.0%		\$500.00
122	Millwork Wall Panel Material	\$35,000.00	35,000.00			35,000.00	100.0%		\$700.00
123	Millwork Judges Bench Material	\$42,000.00	42,000.00			42,000.00	100.0%		\$840.00
124	Millwork Vanities Material	\$15,000.00	15,000.00			15,000.00	100.0%		\$300.00
125	Millwork Counters Material	\$23,000.00	23,000.00			23,000.00	100.0%		\$460.00
126	Millwork Casework Material	\$11,000.00	11,000.00			11,000.00	100.0%		\$220.00
127	Millwork Labor	\$62,000.00	58,900.00	2,480.00		61,380.00	99.0%	\$620.00	\$1,227.60
DIVISION 6B - COURT ROOM FURNITURE									
128	Pews Submittals	\$1,125.00	1,125.00			1,125.00	100.0%		\$22.50
129	Pews Material	\$15,000.00	0.00			0.00		\$15,000.00	\$0.00
130	Pews Labor	\$6,154.00	0.00			0.00		\$6,154.00	\$0.00
DIVISION 7A - WATERPROOFING									
131	Waterproofing Submittals	\$2,500.00	2,500.00			2,500.00	100.0%		\$50.00
132	Waterproofing Material	\$38,375.00	38,375.00			38,375.00	100.0%		\$767.50
133	Waterproofing Labor	\$64,125.00	64,125.00			64,125.00	100.0%		\$1,282.50
DIVISION 7B - MEMBRANE ROOFING									
134	Membrane Roof Submittals	\$2,500.00	2,500.00			2,500.00	100.0%		\$50.00
135	Membrane Roof Material	\$14,350.00	14,350.00			14,350.00	100.0%		\$287.00
136	Membrane Roof Labor	\$43,400.00	43,400.00			43,400.00	100.0%		\$868.00
137	Insulation Material	\$6,150.00	6,150.00			6,150.00	100.0%		\$123.00
138	Insulation Labor	\$18,600.00	18,600.00			18,600.00	100.0%		\$372.00
DIVISION 7D - METAL ROOFING									
139	Metal Roofing Submittals	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00
140	Metal Roofing Material	\$99,400.00	99,400.00			99,400.00	100.0%		\$1,988.00
141	Metal Roofing Labor / Under Layment	\$172,925.00	172,925.00			172,925.00	100.0%		\$3,458.50
142	Insulation Material	\$42,600.00	42,600.00			42,600.00	100.0%		\$852.00
143	Insulation Labor	\$74,100.00	74,100.00			74,100.00	100.0%		\$1,482.00
DIVISION 7E - SPRAY FOAM INSULATION									
144	Spray Foam Insulation Submittals	\$1,125.00	1,125.00			1,125.00	100.0%		\$22.50
145	Spray Foam Insulation Material	\$8,000.00	8,000.00			8,000.00	100.0%		\$160.00
146	Spray Foam Insulation Labor	\$20,000.00	20,000.00			20,000.00	100.0%		\$400.00
DIVISION 7F - INTUMESCENT FIREPROOFING									
147	Fireproofing Submittals	\$1,125.00	1,125.00			1,125.00	100.0%		\$22.50
148	Fireproofing Material	\$780.00	780.00			780.00	100.0%		\$15.60
149	Fireproofing Labor	\$4,850.00	4,850.00			4,850.00	100.0%		\$97.00
DIVISION 8 - DOORS, WINDOWS, & GLASS									
150	Aluminum and Glass Submittals	\$10,000.00	10,000.00			10,000.00	100.0%		\$200.00

CONTINUATION SHEET

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APPLICATION NO: 36
 APPLICATION DATE: 5.15.24
 PERIOD TO: 4.30.24
 ARCHITECT'S PROJECT NO: BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G+C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
151	Aluminum and Glass Material	\$247,000.00	245,000.00			245,000.00	99.2%	\$2,000.00	\$4,900.00
152	Transation Windows	\$28,000.00	25,000.00			25,000.00	89.3%	\$3,000.00	\$500.00
153	Aluminum and Glass Labor	\$115,000.00	111,545.00			111,545.00	97.0%	\$3,455.00	\$2,230.90
DIVISION 8C - HOLLOW METAL WORK									
154	Door and Hardware Submittals	\$6,000.00	6,000.00			6,000.00	100.0%	\$120.00	\$120.00
155	HM Doors and Frames Material	\$60,500.00	60,500.00			60,500.00	100.0%	\$1,210.00	\$1,210.00
156	Door Frames Labor	\$16,000.00	16,000.00			16,000.00	100.0%	\$320.00	\$320.00
DIVISION 8D - WOOD DOORS									
157	Wood Doors Material	\$17,250.00	0.00			0.00		\$17,250.00	\$0.00
158	Doors Labor	\$48,000.00	47,040.00			47,040.00	98.0%	\$960.00	\$940.80
DIVISION 9A - DRYWALL									
159	Drywall Material	\$112,000.00	112,000.00			112,000.00	100.0%	\$2,240.00	\$2,240.00
160	Drywall Labor	\$252,000.00	250,000.00			252,000.00	100.0%	\$5,040.00	\$5,040.00
161	Insulation Material	\$19,000.00	19,000.00			19,000.00	100.0%	\$380.00	\$380.00
162	Insulation Labor	\$38,000.00	38,000.00			38,000.00	100.0%	\$760.00	\$760.00
163	Tepe & Speckle	\$66,000.00	65,000.00			66,000.00	100.0%	\$1,320.00	\$1,320.00
DIVISION 9B - ACOUSTIC TREATMENT									
164	Ceiling Grid Material	\$24,500.00	24,500.00			24,500.00	100.0%	\$490.00	\$490.00
165	Ceiling Grid Labor	\$43,000.00	43,000.00			43,000.00	100.0%	\$860.00	\$860.00
166	Ceiling Tile Material	\$28,000.00	28,000.00			28,000.00	100.0%	\$560.00	\$560.00
167	Ceiling Tile Labor	\$15,000.00	15,000.00			15,000.00	100.0%	\$300.00	\$300.00
168	Acoustical Wall Panels Labor	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
169	Acoustical Wall Panels Material	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
DIVISION 9C - PAINTING & FINISHING									
170	Paint Submittals	\$1,125.00	1,125.00			1,125.00	100.0%	\$22.50	\$22.50
171	Painting Material	\$16,500.00	16,500.00			16,500.00	100.0%	\$330.00	\$330.00
172	Painting Labor	\$74,109.00	70,403.55			70,403.55	95.0%	\$3,705.45	\$1,408.07
173	GFRC Material	\$7,000.00	7,000.00			7,000.00	100.0%	\$140.00	\$140.00
174	GFRC Labor	\$7,000.00	4,000.00			6,300.00	90.0%	\$700.00	\$126.00
DIVISION 9D - CERAMIC TILE									
175	Tile Submittals	\$1,125.00	1,125.00			1,125.00	100.0%	\$22.50	\$22.50
176	Tile Material	\$19,500.00	19,500.00			19,500.00	100.0%	\$390.00	\$390.00
177	Tile Labor	\$38,375.00	38,375.00			38,375.00	100.0%	\$767.50	\$767.50
DIVISION 9E - CARPET & RESILIENT FLOORING									
178	Carpet- Materials / Submittals	\$25,000.00	25,000.00			25,000.00	100.0%	\$500.00	\$500.00
179	Carpet Labor	\$10,000.00	7,500.00			10,000.00	100.0%	\$200.00	\$200.00
180	LVT Materials	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
181	LVT Labor	\$3,000.00	0.00			0.00		\$3,000.00	\$0.00
182	VCT Materials	\$7,500.00	7,500.00			7,500.00	100.0%	\$150.00	\$150.00
183	VCT Labor	\$7,500.00	7,500.00			7,500.00	100.0%	\$150.00	\$150.00
184	Interlocking Tiles Material	\$35,000.00	0.00			35,000.00	100.0%	\$700.00	\$700.00

CONTINUATION SHEET

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APPLICATION NO:	36
APPLICATION DATE:	5/15/24
PERIOD TO:	4/30/24
ARCHITECT'S PROJECT NO:	BMPC

A ITEM NO	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G+C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)	
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
185	Interlocking Tiles Labor	\$1,000.00	0.00	1,000.00		1,000.00	100.0%		\$20.00	
186	Rubber Treads/Tile Material	\$7,500.00	7,500.00			7,500.00	100.0%		\$150.00	
187	Rubber Treads/Tile Labor	\$7,000.00	0.00	3,500.00		3,500.00	50.0%	\$3,500.00	\$70.00	
188	Misc. Flooring Material	\$10,000.00	10,000.00			10,000.00	100.0%		\$200.00	
189	Misc. Flooring Labor	\$3,500.00	3,500.00			3,500.00	100.0%		\$70.00	
DIVISION 9F - MONOLITHIC FLOORING										
190	Epoxy Flooring Submittals	\$1,125.00	1,000.00	125.00		1,125.00	100.0%		\$22.50	
191	Epoxy Flooring Material	\$6,542.00	6,542.00			6,542.00	100.0%		\$130.84	
192	Epoxy Flooring Labor	\$6,543.00	4,710.96	1,832.04		6,543.00	100.0%		\$130.86	
DIVISION 10 - SPECIALTIES										
193	Signage Submittals	\$1,125.00	850.00	275.00		1,125.00	100.0%	\$11,812.00	\$22.50	
194	Signage Material	\$12,750.00	938.00			938.00	7.4%	\$9,343.00	\$18.76	
195	Signage Labor	\$9,343.00	0.00			0.00			\$0.00	
DIVISION 10A - FINISHING HARDWARE										
196	Door Hardware Material	\$94,999.00	94,999.00			94,999.00	100.0%		\$1,899.98	
DIVISION 10B - TOILET ROOM ACCESSORIES										
197	Bathroom Accessories Material	\$10,420.00	10,420.00			10,420.00	100.0%		\$208.40	
198	Bathroom Accessories Labor	\$7,000.00	7,000.00			7,000.00	100.0%		\$140.00	
DIVISION 10C - PLASTIC TOILET PARTITIONS										
199	Bathroom Partitions Material	\$3,900.00	3,900.00			3,900.00	100.0%	\$2,000.00	\$78.00	
200	Bathroom Partitions Labor	\$2,000.00	0.00			0.00			\$0.00	
DIVISION 10D - METAL SPECIALTIES										
201	Lockers (Personal) Material / Shop Drawings	\$69,440.00	69,440.00			69,440.00	100.0%		\$1,388.80	
202	Lockers (Personal) Labor	\$20,000.00	20,000.00			20,000.00	100.0%		\$400.00	
203	Evidence Lockers	\$18,942.00	18,942.00			18,942.00	100.0%		\$378.84	
204	Marketboards	\$12,490.00	12,490.00			12,490.00	100.0%		\$249.80	
205	Cornerguards	\$2,775.00	0.00			0.00		\$2,775.00	\$0.00	
206	Wire Security Partitions	\$4,877.00	4,877.00			4,877.00	100.0%		\$97.54	
207	Curved Exterior Seating Material	\$16,470.00	0.00			0.00		\$16,470.00	\$0.00	
208	Curved Exterior Seating Labor	\$4,000.00	0.00			0.00		\$4,000.00	\$0.00	
209	Fingerprint Station	\$300.00	0.00			0.00		\$300.00	\$0.00	
210	Intercom Mounting Pedestals w/Enclosure	\$200.00	0.00			0.00		\$200.00	\$0.00	
211	Key Cabinets	\$1,540.00	0.00	770.00		770.00	50.0%	\$770.00	\$15.40	
212	Night Depository Unit	\$2,510.00	0.00			0.00		\$2,510.00	\$0.00	
213	Fire Extinguisher Cabinets	\$2,125.00	2,125.00			2,125.00	100.0%		\$42.50	
DIVISION 10E - INSULATED ROLLING DOORS										
214	Overhead Door Submittals	\$1,125.00	1,125.00			1,125.00	100.0%		\$22.50	
215	Overhead Door Material	\$20,000.00	15,500.00	4,500.00		20,000.00	100.0%		\$400.00	
216	Overhead Door Labor	\$10,849.00	6,000.00	4,849.00		10,849.00	100.0%		\$216.98	
DIVISION 10F - ACCESS FLOOR SYSTEM										
217	Access Floor Submittals	\$1,125.00	1,125.00			1,125.00	100.0%		\$22.50	

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APPLICATION NO: 36
 APPLICATION DATE: 5/15/24
 PERIOD TO: 4/30/24
 ARCHITECT'S PROJECT NO: BMFC

ITEM NO	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G-C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)	
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
218	Access Floors Material	\$6,188.00	6,188.00			6,188.00	100.0%		\$123.76	
219	Access Floors Labor	\$6,187.00	6,187.00			6,187.00	100.0%		\$123.74	
DIVISION 11A - DETENTION EQUIPMENT										
220	Detention/Police Equipment Submittals	\$1,700.00	1,700.00			1,700.00	100.0%		\$34.00	
221	Detention/Police Equipment Doors and Frames	\$58,200.00	58,200.00			58,200.00	100.0%		\$1,164.00	
222	Detention/Police Equipment Hardware	\$48,600.00	46,412.00			46,412.00	95.5%	\$2,188.00	\$928.24	
223	Detention/Police Equipment Cleaning Trap	\$1,900.00	1,900.00			1,900.00	100.0%		\$38.00	
224	Detention/Police Equipment Pistol Lockers	\$3,400.00	3,400.00			3,400.00	100.0%		\$68.00	
225	Detention/Police Equipment Benches	\$3,800.00	2,700.00	720.00		3,420.00	90.0%	\$380.00	\$68.40	
DIVISION 14A - LULA Elevator										
226	Elevator Shops	\$3,500.00	3,500.00			3,500.00	100.0%		\$70.00	
227	Elevator Material / Release to Production	\$30,000.00	30,000.00			30,000.00	100.0%		\$600.00	
228	Elevator Labor	\$28,700.00	19,370.00			19,370.00	67.5%	\$9,330.00	\$387.40	
DIVISION 15 - MECHANICAL										
229	Equipment Shops	\$2,000.00	2,000.00			2,000.00	100.0%		\$40.00	
230	Sheet Metal Shops	\$10,000.00	10,000.00			10,000.00	100.0%		\$200.00	
231	ATC Shops	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00	
232	Mobilization	\$6,000.00	6,000.00			6,000.00	100.0%		\$120.00	
233	RTUs Material	\$40,000.00	40,000.00			40,000.00	100.0%		\$800.00	
234	RTUs Labor	\$2,000.00	2,000.00			2,000.00	100.0%		\$40.00	
235	VRF Cassette / EUR Units Material	\$190,000.00	190,000.00			190,000.00	100.0%		\$3,800.00	
236	VRF Cassette / EUR Units Labor	\$32,500.00	32,500.00			32,500.00	100.0%		\$650.00	
237	Condensing Units	\$23,000.00	23,000.00			23,000.00	100.0%		\$460.00	
238	Electric Heat	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00	
239	Duct Heaters	\$4,000.00	4,000.00			4,000.00	100.0%		\$80.00	
240	Exhaust Fans	\$4,000.00	4,000.00			4,000.00	100.0%		\$80.00	
241	Fire Dampers	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00	
242	ACR Piping Material	\$20,000.00	20,000.00			20,000.00	100.0%		\$400.00	
243	ACR Piping Labor	\$80,000.00	80,000.00			80,000.00	100.0%		\$1,600.00	
244	Condensate Piping	\$12,000.00	12,000.00			12,000.00	100.0%		\$240.00	
245	Sheet Metal Shop Material / Labor	\$130,000.00	130,000.00			130,000.00	100.0%		\$2,600.00	
246	Sheet Metal Shop Labor	\$422,000.00	422,000.00			422,000.00	100.0%		\$8,440.00	
247	Insulation	\$50,000.00	50,000.00			50,000.00	100.0%		\$1,000.00	
248	Crane/Lift	\$15,000.00	15,000.00			15,000.00	100.0%		\$300.00	
249	ATC Rough	\$80,000.00	80,000.00			80,000.00	100.0%		\$1,600.00	
250	ATC Finish	\$10,000.00	7,000.00			7,000.00	70.0%	\$3,000.00	\$140.00	
251	ATC Programming and Graphics	\$5,000.00	2,500.00			2,500.00	50.0%	\$2,500.00	\$50.00	
252	Air Devices	\$12,000.00	12,000.00			12,000.00	100.0%		\$240.00	
253	CO Panel	\$2,500.00	2,000.00			2,000.00	80.0%	\$500.00	\$40.00	
254	Startup/Warranty	\$14,000.00	0.00			0.00		\$14,000.00	\$0.00	
255	Balancing	\$5,000.00	0.00			0.00		\$5,000.00	\$0.00	

CONTINUATION SHEET

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APPLICATION NO: 36
 APPLICATION DATE: 5.15.24
 PERIOD TO: 4.30.24
 ARCHITECT'S PROJECT NO.: BMPC

A ITEM NO	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)					% (G+C)		
256	O&M and Closeout Documents	\$3,000.00	0.00				0.00	\$3,000.00	\$0.00	
257	Punch List	\$3,000.00	0.00				0.00	\$3,000.00	\$0.00	
DIVISION 15 - PLUMBING										
258	Submittals and Mobilization	\$6,000.00	6,000.00				6,000.00	0.00	\$120.00	
259	UG DWV Piping Material Basement	\$32,000.00	32,000.00				32,000.00	0.00	\$640.00	
260	UG DWV Piping Labor Basement	\$14,000.00	14,000.00				14,000.00	0.00	\$280.00	
261	AG DWV Piping Material	\$18,000.00	18,000.00				18,000.00	0.00	\$360.00	
262	AG DWV Piping Labor	\$60,000.00	60,000.00				60,000.00	0.00	\$1,200.00	
263	AG Dom. Water piping Material	\$16,000.00	16,000.00				16,000.00	0.00	\$320.00	
264	AG Dom. Water piping Labor	\$42,000.00	42,000.00				42,000.00	0.00	\$840.00	
265	Natural Gas Piping Material	\$5,000.00	5,000.00				5,000.00	0.00	\$100.00	
266	Natural Gas Piping Labor	\$10,000.00	10,000.00				10,000.00	0.00	\$200.00	
267	Storm Drain Material	\$14,000.00	14,000.00				14,000.00	0.00	\$280.00	
268	Storm Drain Labor	\$20,000.00	20,000.00				20,000.00	0.00	\$400.00	
269	Fixtures and Specialties	\$95,000.00	95,000.00				95,000.00	0.00	\$1,900.00	
270	Fixture Labor	\$42,000.00	32,000.00				32,000.00	\$10,000.00	\$640.00	
DIVISION 15 - SPRINKLER SYSTEM (15526)										
271	Mobilization	\$1,000.00	1,000.00				1,000.00	0.00	\$20.00	
272	Engineer Stamp	\$2,000.00	2,000.00				2,000.00	0.00	\$40.00	
273	Design	\$20,000.00	20,000.00				20,000.00	0.00	\$400.00	
274	Valve Room Material	\$7,000.00	7,000.00				7,000.00	0.00	\$140.00	
275	Valve Room Labor	\$12,000.00	12,000.00				12,000.00	0.00	\$240.00	
276	Rough in Material	\$30,000.00	30,000.00				30,000.00	0.00	\$600.00	
277	Rough in Labor	\$81,000.00	81,000.00				81,000.00	0.00	\$1,620.00	
278	Plates	\$1,000.00	0.00	1,000.00			1,000.00	0.00	\$20.00	
279	Testing	\$2,000.00	2,000.00				2,000.00	0.00	\$40.00	
280	Demobilization	\$1,000.00	0.00				0.00	\$1,000.00	\$0.00	
281	Closeout	\$1,000.00	0.00				0.00	\$1,000.00	\$0.00	
282	Punch List	\$1,500.00	0.00				0.00	\$1,500.00	\$0.00	
DIVISION 16/17 - ELECTRICAL/TECH. SYSTEMS										
283	Mobilization	\$25,000.00	25,000.00				25,000.00	0.00	\$500.00	
284	Submittals	\$5,000.00	5,000.00				5,000.00	0.00	\$100.00	
285	Temp Electric for Office Trailer L/M	\$5,000.00	5,000.00				5,000.00	0.00	\$100.00	
286	Temp Electric power and lights for new building L/M	\$6,000.00	6,000.00				6,000.00	0.00	\$120.00	
287	Rough-in site electric serv high volt, telecom, cond Lab	\$33,000.00	33,000.00				33,000.00	0.00	\$660.00	
288	Rough-in site electric serv high volt, telecom, cond Mat	\$28,000.00	28,000.00				28,000.00	0.00	\$560.00	
289	Rough in all panels, transformer Material	\$32,000.00	32,000.00				32,000.00	0.00	\$640.00	
290	Rough in all panels, transformer Labor	\$20,000.00	20,000.00				20,000.00	0.00	\$400.00	
291	Finish all panels, transformers Labor	\$30,000.00	30,000.00				30,000.00	0.00	\$600.00	
292	Finish all panels, transformers Material	\$70,000.00	70,000.00				70,000.00	0.00	\$1,400.00	
293	Rough in Generator Labor	\$13,000.00	13,000.00				13,000.00	0.00	\$260.00	

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APPLICATION NO:	36
APPLICATION DATE:	5.15.24
PERIOD TO:	4.30.24
ARCHITECT'S PROJECT NO:	BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G÷C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)							
294	Rough in Generator Material	\$9,000.00	9,000.00				9,000.00	100.0%		\$180.00
295	Finish work for generator Labor	\$18,000.00	18,000.00				18,000.00	100.0%		\$360.00
296	Finish work for generator Material	\$60,000.00	60,000.00				60,000.00	100.0%		\$1,200.00
297	Rough-in all power and lighting labor	\$180,000.00	180,000.00				180,000.00	100.0%		\$3,600.00
298	Rough-in all power and lighting materials	\$110,000.00	110,000.00				110,000.00	100.0%		\$2,200.00
299	Finish all power and lighting Labor	\$190,000.00	190,000.00				190,000.00	100.0%		\$3,800.00
300	Finish all power and lighting Material	\$264,000.00	264,000.00				264,000.00	100.0%		\$5,280.00
301	Rough in the installation of the FA System Labor	\$14,000.00	14,000.00				14,000.00	100.0%		\$280.00
302	Rough in the installation of the FA System Material	\$9,000.00	9,000.00				9,000.00	100.0%		\$180.00
303	Finish work FA Labor	\$13,000.00	13,000.00				13,000.00	100.0%		\$260.00
304	Finish work FA Material	\$13,000.00	13,000.00				13,000.00	100.0%		\$260.00
305	Rough in lighting protection system L&M	\$10,000.00	10,000.00				10,000.00	100.0%		\$200.00
306	Finish for Lighting protection system L&M	\$8,000.00	8,000.00				8,000.00	100.0%		\$160.00
307	Rough in Teledata Labor	\$14,000.00	14,000.00				14,000.00	100.0%		\$280.00
308	Rough in Teledata Material	\$9,000.00	9,000.00				9,000.00	100.0%		\$180.00
309	Finish for teledata labor	\$38,000.00	30,700.00		5,400.00		36,100.00	95.0%	\$1,900.00	\$722.00
310	Finish for teledata Material	\$49,000.00	39,850.00		6,700.00		46,550.00	95.0%	\$2,450.00	\$491.00
311	General demo for all electric labor	\$10,000.00	0.00				0.00		\$10,000.00	\$0.00
312	Install cable trays labor and material	\$14,000.00	14,000.00				14,000.00	100.0%		\$280.00
313	Rough in AV system labor	\$10,000.00	10,000.00				10,000.00	100.0%		\$200.00
314	Rough in AV system material	\$8,000.00	8,000.00				8,000.00	100.0%		\$160.00
315	Finish work AV labor	\$40,000.00	26,000.00				26,000.00	65.0%	\$14,000.00	\$220.00
316	Finish work AV material	\$65,000.00	65,000.00				65,000.00	100.0%		\$1,300.00
317	Rough for CCTV, Access Control, Booster System Lab	\$18,500.00	18,500.00				18,500.00	100.0%		\$370.00
318	Rough for CCTV, Access Control, Booster System Mat	\$8,000.00	8,000.00				8,000.00	100.0%		\$160.00
319	Finish for CCTV, Access Control, Booster System Lab	\$24,000.00	21,200.00				21,200.00	88.3%	\$2,800.00	\$424.00
320	Finish for CCTV, Access Control, Booster System Mat	\$125,000.00	125,000.00				125,000.00	100.0%		\$2,500.00
321	Rough in parking lot poles and lights labor	\$14,000.00	9,100.00				9,100.00	65.0%	\$4,900.00	\$182.00
322	Rough in parking lot poles and lights material	\$7,000.00	4,550.00				4,550.00	65.0%	\$2,450.00	\$91.00
323	Finish work for the parking lot poles and lights labor	\$10,000.00	6,500.00				6,500.00	65.0%	\$3,500.00	\$130.00
324	Finish work for the parking lot poles and lights material	\$17,000.00	16,050.00				16,050.00	94.4%	\$950.00	\$321.00
325	As Builts	\$4,500.00	0.00				0.00		\$4,500.00	\$0.00
326	Closeout	\$10,000.00	0.00				0.00		\$10,000.00	\$0.00
327	Punch List	\$10,000.00	0.00				0.00		\$10,000.00	\$0.00
			12,964,000.00	11,128,081.51	93,593.54	0.00	11,221,675.05	86.6%	\$1,742,324.95	\$0.00
CHANGE ORDERS										
328	BMPC CO #01 Credit for Submittal Exchange	(13,200.00)	(13,200.00)				(13,200.00)	100.0%		(\$264.00)
329	BMPC CO #02 Temporary Storm Water Control	12,579.80	12,579.80				12,579.80	100.0%		\$251.60
330	BMPC CO #03 Revised E-Drawings	2,532.00	2,532.00				2,532.00	100.0%		\$50.64

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APPLICATION DATE:	5/15/24
PERIOD TO:	4/30/24
ARCHITECT'S PROJECT NO:	BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		% (G+C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)								
331	BMPC CO #04 Modify Siterwork	29,759.00	0.00				0.00			\$29,759.00	\$0.00
332	BMPC CO #05 Remove Underground C/C Tank	4,246.67	4,246.67				4,246.67	100.0%			\$84.93
333	BMPC CO #06 4 Month of CM Allowance	(40,000.00)	(40,000.00)				(40,000.00)	100.0%			(\$800.00)
334	BMPC CO #07 Additional Temp Drain	4,511.00	4,511.00				4,511.00	100.0%			\$90.22
335	BMPC CO #08 Stone Over Footings	12,670.80	12,670.80				12,670.80	100.0%			\$253.42
336	BMPC CO #09 2" Sump Discharge Pipe	4,118.29	4,118.29				4,118.29	100.0%			\$82.37
337	BMPC CO #10 Remove U/G/UF Conc. Struct.	13,281.00	13,281.00				13,281.00	100.0%			\$265.62
338	BMPC CO #11 Steel Framg at O/H Door	6,567.24	6,567.24				6,567.24	100.0%			\$131.34
339	BMPC CO #12 Steel Baseplate Change	515.77	515.77				515.77	100.0%			\$10.32
340	BMPC CO #13 Reconcile Contractor's Billing	(34.70)	(34.70)				(34.70)	100.0%			(\$0.69)
341	BMPC CO #14 Truss Relocation	17,719.88	17,719.88				17,719.88	100.0%			\$354.40
342	BMPC CO #15 Personnel Lockers	29,431.99	29,431.99				29,431.99	100.0%			\$588.64
343	BMPC CO #16 Exterior Electronic Sign	47,290.16	0.00				0.00	100.0%		\$47,290.16	\$0.00
344	BMPC CO #17 Electrical Changes per Rev #8	3,588.87	3,588.87				3,588.87	100.0%			\$71.78
345	BMPC CO #18 Changes per Rev #10	330,523.23	278,094.12				278,094.12	84.1%		\$52,429.11	\$5,561.88
346	BMPC CO #19 Reconcile Contractor's Billing	(33.90)	(33.90)				(33.90)	100.0%			(\$0.68)
347	BMPC CO #20 Frame End Walls per CFM's Engineer	22,301.76	22,301.76				22,301.76	100.0%			\$446.04
348	BMPC CO #21 Detention Hdwr Changes per Rev #10	10,047.72	10,047.72				10,047.72	100.0%			\$200.95
349	BMPC CO #22 Detention Hdwr Changes not per Rev #10	22,749.42	22,749.42				22,749.42	100.0%			\$454.99
351	BMPC CO #23 Rew Body Profile Change	2,627.00	0.00				0.00	100.0%		\$2,627.00	\$0.00
352	BMPC CO #24 Modify Gutter Drain System	22,882.31	22,882.31				22,882.31	100.0%			\$457.65
353	BMPC CO #25 Trenching Work per Rev #10	20,998.86	20,998.86				20,998.86	100.0%			\$419.98
354	BMPC CO #26 Frame N&S Walls per CFM's Engineer	15,859.98	15,859.98				15,859.98	100.0%			\$317.20
355	BMPC CO #27 Reconfigure Gas Service	3,694.54	3,694.54				3,694.54	100.0%			\$73.89
356	BMPC CO #28 Cancel Out Change Order #19	33.90	33.90				33.90	100.0%			\$0.68
357	BMPC CO #29 Add Police Logo to Signs	1,407.87	0.00				0.00	100.0%		\$1,407.87	\$0.00
358	BMPC CO #30 Credit for S Wall Masonry	(15,000.00)	(15,000.00)				(15,000.00)	100.0%			(\$300.00)
359	BMPC CO #31 Server Room Relocation	6,018.92	6,018.92				6,018.92	100.0%			\$120.38
360	BMPC CO #32 Framing at steel Rafterwalls	6,595.66	6,595.66				6,595.66	100.0%			\$131.91
361	BMPC CO #33 Insulate 2nd floor deck flutes	1,998.25	1,998.25				1,998.25	100.0%			\$39.97
362	BMPC CO #34 PCO 33R4 for Maggio	48,068.51	48,068.51				48,068.51	100.0%			\$961.37
363	BMPC CO #35 New Light Fixt For Corridors	15,375.59	15,375.59				15,375.59	100.0%			\$307.51
364	BMPC CO #36 Extend Courtroom Soffit	5,609.26	5,609.26				5,609.26	100.0%			\$112.19
365	BMPC CO #37 Soffit at Beam	5,140.09	5,140.09				5,140.09	100.0%			\$102.80
366	BMPC CO #38 Detention Corridor Soffit	5,088.08	5,088.08				5,088.08	100.0%			\$101.76
367	BMPC CO #39 Add Key Fob	6,088.94	4,871.15				4,871.15	80.0%		\$1,217.79	\$97.42
368	BMPC CO #40 Window Credit	(16,000.00)	(16,000.00)				(16,000.00)	100.0%			(\$320.00)
369	BMPC CO #41 Truss Infill	4,312.25	4,312.25				4,312.25	100.0%			\$86.25
370	BMPC CO #42 Azek at Clerestory	11,284.26	11,284.26				11,284.26	100.0%			\$225.69
371	BMPC CO #43 Credit for CO #34	(22,882.31)	(22,882.31)				(22,882.31)	100.0%			(\$457.65)
372	BMPC CO #44 PCO 51R2 Gutter Mods	46,091.34	40,345.67				46,091.34	100.0%		5,745.67	\$921.83

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 ARCHITECT'S PROJECT NO: BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)					% (G-C)		
373	BMPC CO #45 PCCO 56 Modify Crim Registers	594.00	(10,000.00)			0.00	(10,000.00)	100.0%	\$594.00	\$0.00
374	BMPC CO #46 Legacy Deduct	(10,083.84)	(10,083.84)			(10,083.84)	(10,083.84)	100.0%		(\$200.00)
375	BMPC CO #47 Utilities Deduct	2,323.92			2,323.92	2,323.92	2,323.92	100.0%		(\$201.68)
376	BMPC CO #48 PCCO #64 Int. Storm firmg/Exp	3,151.92			3,151.92	3,151.92	3,151.92	100.0%		\$46.48
377	BMPC CO #49 PCCO 60 Server rm door refo	12,604.33			12,604.33	12,604.33	12,604.33	100.0%		\$63.04
378	BMPC CO #50 PCCO 54R1 2nd Fl T. Window	(6,755.00)				(6,755.00)	(6,755.00)	100.0%		\$252.09
379	BMPC CO #51 PCCO 65 Inmunesent Credit	4,932.03				4,932.03	4,932.03	100.0%		(\$135.10)
380	BMPC CO #52 PCCO #62 SK-54 Framing	(9,000.00)	(3,600.00)			(4,200.00)	(4,200.00)	46.7%	(\$4,800.00)	\$98.64
381	BMPC CO #53 SubEx Credit	30,443.78	30,443.78			30,443.78	30,443.78	100.0%		\$608.88
382	BMPC CO #54 PCCO 68 Fiber Line	1,906.54	1,906.54			1,906.54	1,906.54	100.0%		\$38.13
383	BMPC CO #55 PCCO 73 Intake Shower	2,484.36				0.00		100.0%	\$2,484.36	\$0.00
384	BMPC CO #56 PCCO 74 Intake Aluminum Lettering	(12,793.17)	(12,793.17)			(12,793.17)	(12,793.17)	100.0%		(\$255.86)
385	BMPC CO #57 Utility Bills Reimbursement	1,818.62	1,818.62			1,818.62	1,818.62	100.0%		\$36.37
386	BMPC CO #58 Door #181 and Hardware	1,059.19	1,059.19			1,059.19	1,059.19	100.0%		\$21.18
387	BMPC CO #59 Server Room Flooring Carpet to VCT	(13,224.31)	1,059.19		(13,224.31)	(13,224.31)	(13,224.31)	100.0%		(\$264.49)
388	BMPC CO #60 Utility Bills Reimbursement	6,926.69	6,926.69			6,926.69	6,926.69	100.0%		\$0.00
389	BMPC CO #61 PCCO #77R1 2 Wireless Gateways	11,682.45				0.00		100.0%	\$11,682.45	\$0.00
390	BMPC CO #62 PCCO #79 3 Security Cameras	975.79			975.79	975.79	975.79	100.0%		\$19.52
391	BMPC CO #63 PCCO #80 Light Fixtures Disposal	(18,179.00)			(18,179.00)	(18,179.00)	(18,179.00)	100.0%		(\$363.58)
392	BMPC CO #64 PCCO #83R1 Deletion of Gym Flooring	1,200.82				0.00			\$1,200.82	\$0.00
393	BMPC CO #65 PCCO #84 Added Detention Bench	698,528.42	552,910.85		(7,201.68)	545,709.17	545,709.17	78.1%	152,819.25	\$0.00
	<i>Change Order Subtotal</i>									
	GRAND TOTALS	13,662,528.42	11,680,992.36		86,591.86	11,767,384.22	11,767,384.22	86.1%	\$1,895,144.20	\$235,347.68

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Frankoski Construction Co.

(973) 414-9224 • Fax: (973) 678-0520

GENERAL CONTRACTORS
314 DODD STREET
EAST ORANGE, NEW JERSEY 07017

Conditional Waiver and Release Upon Progress Payment

Upon receipt by the undersigned of a check from Township of Barnegat in the sum of \$ 84,664.03 payable to *Frankoski Construction Co., Inc.* and when the check has been properly endorsed and has been paid by the bank upon which it is drawn, this document shall become effective to release any mechanic's lien, stop notice or bond right the undersigned has on the BMPC New Municipal Building located at 900 West Bay Avenue, Barnegat, NJ 08005 to the following extent: This release covers a progress payment for labor, services, equipment or material furnished to BMPC New Municipal Building through 04/30/204 and does not cover any retention retained before, or after, the release date; extras furnished before the release date for which payment has not been received; extras or items furnished after the release date. Rights based upon work performed or items furnished under a written Change Order which has been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release. This release of any mechanic's lien, stop notice or bond right shall not otherwise affect the contract rights, including rights between parties to the contract based upon a rescission, abandonment or breach of the contract, or the right of the undersigned to recover compensation for furnished labor, services, equipment or material covered by this release if that furnished labor, services, equipment or material was not compensated by any previous progress payments.

Frankoski Construction Co., Inc.
(Contractor Firm Name)

05/20/2024
(Date Signed)

Joseph Frankoski, President
(Printed Name/Title)

[Signature]
(Signature)

Notary

Subscribed and sworn to before me, this 20 day of May 2024

Judith Luscher
(Notary Public Signature)

My Commission Expires 2-27-24

County of Essex

State of New Jersey

JUDITH A LUSCHER
Notary Public, State of New Jersey
Comm. # 2382926
My Commission Expires 02/27/2029



AIA[®]

Document G706™ – 1994

Contractor's Affidavit of Payment of Debts and Claims

PROJECT: <i>(Name and address)</i> BMPC New Municipal Building 900 West Bay Ave, Barnegat, NJ	ARCHITECT'S PROJECT NUMBER: BMPC	OWNER: <input checked="" type="checkbox"/>
TO OWNER: <i>(Name and address)</i> Township of Barnegat 900 West Bay Ave, Barnegat, NJ	CONTRACT FOR: New Municipal Building CONTRACT DATED: 10/6/2020	ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> SURETY: <input type="checkbox"/> OTHER: <input type="checkbox"/>

STATE OF: New Jersey
COUNTY OF: Essex

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or Owner's property might in any way be held responsible or encumbered.

EXCEPTIONS:

This applies to Payment Requisition No. 36 only.

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA Document G707, Consent of Surety, may be used for this purpose

Indicate Attachment Yes No

The following supporting documents should be attached hereto if required by the Owner:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.
3. Contractor's Affidavit of Release of Liens (AIA Document G706A).

CONTRACTOR: *(Name and address)*

Frankoski Construction Co., Inc.
314 Dodd Street
East Orange, New Jersey 07017

BY: _____

(Signature of authorized representative)

Joseph Frankoski, President

(Printed name and title)

Subscribed and sworn to before me on this date:

Judith A Lusch

Notary Public:

My Commission Expires:





AIA[®] Document G706A[™] – 1994

Contractor's Affidavit of Release of Liens

PROJECT: *(Name and address)*
BMPC New Municipal Building
900 West Bay Ave, Barnegat, NJ
TO OWNER: *(Name and address)*
Township of Barnegat
900 West Bay Ave, Barnegat, NJ

ARCHITECT'S PROJECT NUMBER: BMPC
CONTRACT FOR: New Municipal Building
CONTRACT DATED: 10/6/2020

OWNER:
ARCHITECT:
CONTRACTOR:
SURETY:
OTHER:

STATE OF: New Jersey
COUNTY OF: Essex

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS:

This applies to Payment Requisition No. 36 only.

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR: *(Name and address)*
Frankoski Construction Co., Inc.
314 Dodd Street
East Orange, New Jersey 07017

BY:

(Signature of authorized representative)
Joseph Frankoski, President
(Printed name and title)

Subscribed and sworn to before me on this date:

Notary Public:
My Commission Expires:

JUDITH A LUSCHER
Notary Public, State of New Jersey
Comm. # 2382926
My Commission Expires 02/27/2029

RESOLUTION 2024-234

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR A GRANT TO ENHANCE RECREATIONAL PROGRAMS FOR INDIVIDUALS WITH SPECIAL NEEDS JULY 1, 2024 THROUGH JUNE 30, 2025

WHEREAS, the Township of Barnegat desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$20,000 with a \$4,000 cash match for the period of July 1, 2024 through June 30, 2025 to carry out a project to enhance Recreational Programs For Individuals With Special Needs, and

BE IT THEREFORE, RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that:

1. the Township of Barnegat does hereby authorize the application for such a grant;
2. and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Barnegat and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

Donna M. Manno, RMC
Municipal Clerk

Martin Lisella
Township Administrator

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the June 6, 2024.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-235

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP COMMITTEE TO RETIRE INTO CLOSED SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL, CONTRACTUAL OR LITIGATION MATTERS.

WHEREAS, the Barnegat Township Committee desires discussion pertaining to contractual matters in closed session; and

WHEREAS, N.J.S.A. 10:4-12(b) provides for the exclusion of the public from such discussions; now

THEREFORE, BE IT RESOLVED by the Township Committee as follows:

1. The committee shall hold a closed meeting for the purpose of discussion of the aforementioned subject.
2. The committee shall disclose to the public the results of such discussion at such times as formal action, if any, is taken on the subject.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify the foregoing resolution adopted by the Township Committee on June 6, 2024.

Donna M. Manno, RMC
Municipal Clerk