

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

**TOWNSHIP COMMITTEE MEETING MINUTES
APRIL 3, 2018, 6:30 PM**

Call to Order the April 3, 2018 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 more than 48 hours in advance: By publication of the date, time and location of this meeting in two official newspapers, and by posting advance written notice on the official bulletin board, and in the office of the Municipal Clerk for the purpose of public inspection.

Roll Call of Officials:

Committeeman Lopes - Yes
Committeeman Novak - Yes
Committeeman Bille - Yes
Deputy Mayor Cirulli - Yes
Mayor Caputo - Yes

Pledge of Allegiance:

Committee Reports: Lopes, Novak, Bille, Cirulli

J. Lopes- Gave thanks to Thy Cavagnaro for the Vietnam memorial. Commented on how outstanding it was.

A Bille- Gave thanks to Thy about the Vietnam memorial event. Informed the public that senior's due pay school taxes. State he will be meeting with every sports team, and visiting all parks looking for spring clean. Gave thanks to Marty Lisella and Tom Lombarski about the budget. The county is going out to bid for milling and paving on Barnegat Blvd. As far as rent leveling board he thinks they will be able to put something together soon. The county will be taking over the Lafayette Property. We also address the ordinance on hawker, peddlers and solicitors.

J. Novak- Gave thanks to Thy and Jimmy Cavagnaro. Discussed storm Toby and the damages. BTPD and DPW worked well together addressing the issues.

A Cirulli- Discussed the DART Grant for the schools. Congratulated Thy and Jimmy Cavagnaro on the Vietnam Veterans Monument. Congratulations to Tom Lombarski and Marty Lisella on the budget. Discussed the Rent Leveling situations.

Mayor's Report:

F. Caputo-Gave thanks to all BTPD and DPW along with emergency response during the storm. Discussed the paving of Barnegat Blvd. Also gave thanks to Thy and Jim Cavagnaro and the great job they did on the Vietnam Monument. Also gave police statistics. Discussed the progress of Barnegat 67. Reminded the public about Arbor Day on April 27th and May is "Paint the town Pink"

Proclamations issued: VFW Poppy Month, Arbor Day

PUBLIC SESSION COMMENT:

Please feel free to speak to the Township Committee during public session. The Barnegat Township Committee appreciates and welcomes public comment, advice and suggestions, especially when it is intended to assist or help the Committee. Comments and discussion will be limited to a five (5) minute period per individual unless requested by the Mayor to continue on a point of clarification. In accordance with the Committee policy, each participant must be recognized by the Mayor and must preface their comments by a clear announcement of their name, address and, if appropriate, group affiliation. Your anticipated courtesy to the members of the public and the committee is appreciated.

Motion to Open Public Session: J. Novak

Second: A. Cirulli

Thy & Jimmy Cavagnaro 8 Drum Court- Gave thanks to the Committee and Township. Gave thanks to the DPW along with Chief Keith Germain. The Vietnam Veterans Memorial in Barnegat has gotten major publicity. They are still trying to find all the Vietnam Veterans that live in Barnegat.

Diane Schlagel, 32 Kimberly Drive- Gave thanks to Vietnam Veterans.

Frank Pecci, 11 Hemlock Dr.- Discussed the Walters water tank and why the suit was dropped. Questioned why we need a hearing officer. Asked is a position was being made for OEM. He doesn't think another job should be created

A Cirulli- This is for the police department, and Mrs. McCabe will be there to represent the Township.

J. Novak- Gave explanation on a hearing officer and the procedure.

Robert Russo- 190 Ravenwood Blvd.- Gave feedback on Solicitors ordinance, and asked about a "No Knock" ordinance.

S. Kean- This ordinance is put in place will be increasing fees which will be a huge deterrent. But no knock ordinance may interfere with first amendment rights.

Jake Taylor, 106 Newark Rd.- Continued questioning Mrs. McCabe's contracts and conflicts. Brought up the \$20,000 check written during her term as mayor. He also wanted to know who wrote her contract. Stated that he thinks it's a positive thing that Lafayette is going to the county. He also asked why the township paid for benefits in Waretown. He wants the public to know that the committee took a \$3000 increase this year.

**CHAPTER 46B OF THE TOWNSHIP CODE ENTITLED,
“FLOOD DAMAGE PREVENTION”**

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

SECTION 1. The Township hereby modifies and supplements Article II of the Township Code Chapter 46B Flood Damage Prevention entitled, “Definitions”, in particular to add new as follows:

46B-5. Definitions (add new)

Zone VE, flood elevation includes flooding and wave heights equal to or greater than three (3) feet.

Zone AE, flood elevation includes flooding and wave heights equal to or less than one and one-half (1.5) feet.

Zone Coastal A, or Limit of Moderate Wave Action, or LiMWA Zone, flood elevation includes flooding and wave heights from one and one-half (1.5) to three (3) feet. ALL LiMWA Zones must be built to Coastal high Hazard Area requirements.

46B-17. Specific Standards.

A. Residential construction.

- 1) New construction and substantial improvement of any residential structure in an A shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities; elevated at or above the base flood elevation or best available data flood elevation whichever is more restrictive, plus one (1) foot.

B. Nonresidential construction.

In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure in an A shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities::

C. Manufactured Homes.

- (2) All manufactured homes to be placed or substantially improved in an A Zone within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation or best available data flood elevation, plus one (1) foot, whichever is more restrictive.

SECTION 2. The Township hereby modifies and supplements Article V of the Township Code Chapter 46B Flood Damage Prevention entitled, “Provisions for Flood Hazard Reduction” as follows:

46B-19. Coastal high hazard areas.

Coastal high hazard areas (Coastal A/LiMWA, V or VE Zones) are located within the areas of special flood hazard established in Section 46B-7. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

SECTION 3. The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

SECTION 4. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

Ordinance 2018 – 09 (Second Reading)

An Ordinance amending and supplementing Chapter 52 of the Township General Code entitled “Hawkers, Peddlers, Canvassers, Solicitors” to increase fees, and create new Article II entitled “Mobile Vendors” and requiring criminal background checks for vendors under this chapter

Motion to open Public Comment: A. Cirulli
Motion to close Public Comment: A. Cirulli

Second: J. Lopes
Second: J. Novak

Motion to adopt ordinance: A. Cirulli

Second: J. Lopes

Roll Call: Committeeman Lopes: Yes
Committeeman Bille: Yes
Deputy Mayor Cirulli: Yes

Committeeman Novak: Yes
Mayor Caputo: Yes

ORDINANCE 2018 - 9

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 52 HAWKERS, PEDDLERS, CANVASSERS, SOLICITORS TO INCREASE FEES AND CREATE NEW ARTICLE II ENTITLED MOBILE VENDORS AND REQUIRING CRIMINAL BACKGROUND CHECKS FOR VENDORS UNDER CHAPTER 52

WHEREAS, the Township Committee regulates Hawkers, Peddlers, Canvassers, and Vendors pursuant to Chapter 52 of the Barnegat Municipal Code; and,

WHEREAS, the Township Committee wishes to amend Chapter 52 to require an increase in license fees, create a new Article II entitled “Mobile Vendors” and requiring criminal background checks for Canvassers and Solicitors and for “Mobile Vendors”; and,

WHEREAS, the Township Committee of the Township of Barnegat finds that it is in the best interest of the citizens of the Township of Barnegat to supplement and amend Chapter 52 to provide for license fee increases and to require criminal background checks for Canvassers and Solicitors and for Mobile Vendors; and,

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

EXPLANATION – Matter in bold-faced in this document is not enacted and is intended to be omitted in the Barnegat Township Code. Matter underlined thus is new matter.

Section 1. Chapter 52 shall be entitled “Canvassers, Solicitors, Mobile Vendors”. Article I shall be entitled Canvassers and Solicitors. Article II shall be entitled Mobile Vendors.

52-2. Definitions

SOLICITOR or CANVASSER — Shall mean and include any person, whether or not a resident of the Township of Barnegat Union who goes from house to house, from place to place or from street to street, whether on foot or by conveyance of any kind, nature or sort, soliciting, taking or attempting to take orders for the sale of services, goods, wares, merchandise, **food or drink or any products thereof or property of any kind or nature whatsoever**, for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the subject of such order, and whether or not he is collecting advance payments on such sales or orders. **,or who engages in any of the foregoing activities from a stationary location on the street or other public place.**

52-4. Types of licenses.

The licenses issued shall be classed as "individual" for those issued to individual applicants, and **“firm”** “Corporation/Partnership” for all others.

52-5. Term of License

The licenses issued shall be valid for thirty (30) days, per twelve (12) month period, at the discretion of the Township Committee following the date of the issuance thereof and shall be invalid thereafter. Date of expiration on the license will be enforced.

52-6. Investigation and Issuance

A. Upon receipt of such application, the original thereof shall be referred immediately by the Clerk to the **acting** Chief of Police of the township, who shall cause to be made such investigation of the applicant's business and moral character as he deems necessary for the protection of the public welfare.

B. Such investigation shall be **completed** commenced within **three (3) thirty (30)** days after the receipt of such application, and the said Chief shall endorse thereon his approval or disapproval and, if disapproved, his reasons therefor; and he shall immediately notify the applicant that his application has been disapproved, his reasons therefor; and he shall immediately notify the applicant that his application has been disapproved; the application, so endorsed, shall be forthwith returned to the Township Clerk. Each applicant shall agree to a criminal background check, which will be completed by the Barnegat Police Department.

C. A certification by the applicant and each of the applicant's employees that are expected to participate in the applicant's activities as approved by this section that each individual has not been convicted of a crime or disorderly persons offense involving moral turpitude within a period five (5) years preceding the date of application. Conviction of a criminal offense shall be cause for disqualification.

D. If the application has been disapproved by the **acting** Chief of Police, such applicant may file with the Township Clerk a request in writing for a hearing on the ruling of the **acting** Chief of Police, and the Township Committee shall then set a time and place for a hearing on such request, which hearing shall be within ten (10) days after receipt of the written request therefor; at such hearing the applicant shall have full and ample opportunity to present facts and circumstances to support the issuance of a license in accordance with the application, and said body shall then decide whether the applicant should receive such license.

§ 52-7. Fees.

The fees for licenses shall be **ten dollars (\$10.)** One Thousand Dollars (\$1,000.00) for the first individual and **fifteen dollars (\$15.0)** One Hundred Fifty Dollars (\$150.00) for additional applicants, which sum shall be paid to the Clerk at the time of issuance of the license. If the applicant is a partnership or corporation and has one (1) or more employees or representatives, or an individual having employees or representatives, who are to participate in the business or activity for which a license is requested, then in addition to the said sum of **Ten Dollars (\$10.)** One Thousand Dollars (\$1,000.00) such applicant shall pay an additional sum of **Twenty Five (\$25.)** One Hundred Fifty Dollars (\$150.00) for additional expense of investigation of each additional person and for the issuance of the duplicate copy of such license, which is to be carried by each additional person.

ARTICLE II Mobile Vendors

§ 52-10. Definitions.

When used in this ordinance, the following terms shall have the following meanings:

HAWKER, PEDDLER, AND VENDOR MOBILE VENDOR — Shall mean and include any person, whether or not a resident of the Township of Barnegat, traveling about the Township of Barnegat either on foot, by vehicle or by any other manner, means or method, who shall go from house to house, place to place or street to street, conveying or transporting goods, products, wares, merchandise, food or drink or any product thereof, offering or exposing the same for sale, or making sales and delivering articles to purchasers, or who engages in any of the foregoing activities from a stationary location on the street or other public place.

ITINERANT AND TRANSIENT MERCHANTS AND PEDDLERS – shall be included in the definition of hawker, peddler or vendor as above set forth.

PERSON — Shall include any individual, partnership, partner, corporation or corporations.

HIS — Shall also include "her" or "its."

§ 52-11. License required.

It shall be unlawful for any **hawker, peddler, vendor Mobile Vendor**, as herein defined, to engage in such activity within the Township of Barnegat without first obtaining a license therefor in accordance with the provisions of this ordinance.

§ 52-12. Application.

Applicants for a license under this ordinance shall file with the Township Clerk an application, in duplicate, on forms to be furnished by the Township Clerk, that shall give the following information, all of which shall be sworn to:

- A. Name and physical description of the applicant.
- B. Permanent home address and local mailing address and telephone number of the applicant; and motor vehicle license, registration and insurance information if a motor vehicle is to be used in the activity for which the applicant requests a license.
- C. A description of the business or activity; the goods or items as described in the definition of **hawker, peddler, vendor Mobile Vendor**; the name and address of the principal office of the manufacturer thereof and/or of the principal for whom or which such application is acting as agent, employee or representative, and the length of time for which such agency, employment or representation has existed, and credentials establishing such relationship.

D. Two (2) letters of recommendation addressed to the Chief of Police concerning applicant's moral character, from a non-family member.

E. Two (2) photographs of the applicant taken within sixty (60) days immediately prior to the date of the application, which photographs shall clearly show the head and the shoulders of the applicant and shall measure two by two (2 x 2) inches.

F. A full set of the applicant's fingerprints to be processed by the Township Police Department to be sent to State Police to be checked for criminal background check. [Amended 5-3-93 by Ord. No. 1993-20]

G. **A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor or violations of any municipal ordinance, other than a traffic violation; the nature of the offense; the place where convicted; and the punishment or penalty, if any, assessed therefor.** A certification by the applicant and each of the applicant's employees that are expected to participate in the applicant's activities as approved by this section that each individual has not been convicted of a crime or disorderly persons offense involving moral turpitude within a period five (5) years preceding the date of application. Conviction of a criminal offense shall be cause for disqualification.

H. If the applicant is a partnership or corporation, then it shall set forth the names of its employees or representatives who are to engage in the business or activity for which the license is requested, as part of its application, and shall furnish the same information for each of such persons as above set forth; fee applies to each applicant conducting transactions.

I. **A money order or certified check made payable to: Division of State Police- in the amount of thirty dollars (\$30.) must be submitted at the time of application.**

§ 52-13. Terms of licenses – License fees.

For each permit license issued to sell any goods, wares or merchandise, **the each** applicant conducting transactions shall pay to the Township of Barnegat the sum of one hundred fifty dollars (\$150.), and said license permit shall expire December 31st, next ensuing the date of issuance.

§ 52-14. Investigation and issuance.

A. Upon receipt of such application, the original thereof shall be referred immediately by the Clerk to the **acting** Chief of Police of the township, who shall cause to be made such investigation of the applicant's business and moral character as he deems necessary for the protection of the public welfare.

B. Such investigation shall **be completed** commence within **twenty one (21) thirty (30) days** after the receipt of such application, and said Chief shall endorse thereon his approval or disapproval and, if disapproved, his reasons therefor, and he shall immediately notify the applicant that his application has been disapproved; the application, so endorsed, shall be forthwith returned to the Township Clerk.

C. If the application has been disapproved by the Police Chief, such applicant may file with the Township Clerk a request in writing for a hearing on the ruling of the Chief of Police, and the Township Committee shall then hear such case at their next regularly scheduled meeting, in no case to be more than thirty (30) days after the filing of such a request. At such hearing the applicant shall have full and ample opportunity to present facts and circumstances to support the issuance of a license in accordance with the application, and said body shall then decide whether the applicant should receive such license.

D. If the application has been approved by the **acting** Chief of Police, he shall endorse his approval thereon and shall promptly return it to the Township Clerk, who, upon payment of the prescribed license fee, as stated in Section 52-13, shall execute the license and advise the applicant. The Township Clerk shall keep a record of all licenses issued, the fees received and of all complaints made, if any, concerning each licensee.

§ 52-16. Notification to police to engage in license activity.

On each day that such licensee or its agents or employees shall travel about the Township of Barnegat to engage in the activity for which the license was issued, the **acting** Chief of Police or his representative shall be notified of the intention so to do in order that the; Police Chief shall know who is traveling about the township and for what purpose and whether such person is licensed so to do.

§ 52-18. Inspection.

The equipment used or employed by **hawkers, peddlers, and vendors Mobile Vendors** of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and shall be subject to inspection by the Board of Health and shall comply with the laws of the State of New Jersey and the rules and regulation of the local Board of Health.

§ 52-21. Exceptions.

A. This ordinance shall not be construed as to apply to the selling of any item or article at wholesale to dealers in such articles or items or to the delivery of milk, eggs, bread, butter, newspapers, or to other articles or items of food or merchandise of a type which are generally considered as household necessities and that are commonly delivered on a house to house basis at intervals of a week or less.

A. Any person honorably discharged from the United States military or naval service, as now defined in N.J.R.S. 45:24-9a or as may hereafter be defined, shall be exempt from paying the license fee as provided herein but shall be

required to comply with all other applicable sections of this ordinance and shall be required to register with the Township Clerk and obtain a vendor's permit which will be issued by the Clerk without charge upon identification and exhibition of such state license.

B. Nonprofit organizations. [Amended 6-1-92 by Ord. No. 1992-7]

(1) Any nonprofit, religious, charitable, educational, political, civic or veterans' organization, society, association or club desiring to sell any item or merchandise for a religious, charitable, patriotic, educational, civic or philanthropic purpose shall be exempt from the provisions of § 53-13 as it references the required fee, provided that there is filed a sworn application, in writing, with the Township Clerk by individual so doing, if done on an individual basis. If being done on a group basis by numerous individuals as agents, employees or for the purpose of conducting an open air or "flea market", those individuals operating under the sponsorship of the nonprofit organization, the one in charge shall give the following information:

(a) Name of the individual or organization and purpose of the cause for which the permit is sought.

(b) Names and addresses of the individual officers and directors or trustees of the organization and the address of such organization.

(2) Upon being satisfied that such person is a bona fide representative of such organization or that such organization as aforesaid is bona fide and that the agents or representatives or those sponsored by the organization, who shall conduct the transactions are approved representatives, the Township Clerk shall issue a permit without charge to such organization, association, association or corporation to operate in the Township. Such organization shall supply its agents, representatives, employees or those sponsored with a badge or ribbon containing the name of such organization, which shall be worn and conspicuously displayed on the front of the clothing of such agent, representative, employee or one sponsored.

C. Any person who conducts a judicial sale under the state or national laws.

D. Residents of New Jersey who hold an exemption certificate as an exempt member of a volunteer fire department or volunteer fire engine, hook and ladder, hose, supply company or salvage corps, from any municipality or fire district of New Jersey.

§ 52-
22. Violations and penalties.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.)

or by imprisonment for not more than ninety (90) days, or both. Persons violating provisions of this ordinance, upon conviction will have vendor's license revoked.

Section 2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Section 5. This Ordinance shall take effect upon final passage and publication as provided by law.

Ordinance 2018 – 10 (Second Reading)

An Ordinance amending and supplementing Chapter 63B of the Township General Code entitled “Rental Properties” to increase the fee for rental inspection upon initial occupancy or change of occupancy

Motion to open Public Comment: J. Lopes

Second: A. Cirulli

Jake Taylor, 106 Newark Road- Question the change of the ordinance in regards to inspecting the property before rental.

Motion to close Public Comment: A. Cirulli

Second: J. Novak

Motion to adopt ordinance: J. Lopes

Second: A. Cirulli

Roll Call: Committeeman Lopes: Yes

Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

ORDINANCE 2018 - 10

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER
63B OF THE TOWNSHIP GENERAL CODE ENTITLED “RENTAL
PROPERTIES”**

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

SECTION 1. The Township hereby modifies and supplements Chapter 63B of the Township Code entitled, “Rental Properties”, in particular Chapter 63B-8 “Fees” as follows:

63B-8. Fees.

A. The owner of the inspected property shall be charged a fee for each annual inspection as follows:

(1) Each dwelling unit: Fifty dollars (\$50.00).. [Amended 2-18-97 by Ord. No. 1997-3; 8-2-04 by Ord. No. 2004-37]

D. E. The aforesaid fees shall be paid prior to any inspection or re-inspection being made hereunder.

SECTION 2. The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

SECTION 3. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 4. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

Ordinance 2018 – 11 (Second Reading)

An Ordinance amending and supplementing Chapter 70 of the Township General Code entitled “Random Drug Testing for First Aid and Firefighting Volunteers”

Motion to open Public Comment: A. Bille
Motion to close Public Comment: A. Bille

Second: A. Cirulli
Second: A. Cirulli

Motion to adopt ordinance: A. Bille

Second: A. Cirulli

Roll Call: Committeeman Lopes: Yes
Committeeman Bille: Yes
Deputy Mayor Cirulli: Yes

Committeeman Novak: Yes
Mayor Caputo: Yes

ORDINANCE 2018 - 11

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 70 RANDOM DRUG TESTING POLICY FOR FIRST AID AND FIREFIGHTING VOLUNTEERS

WHEREAS, the Township Committee wishes to amend Chapter 70 to require that drug testing of for first aid and firefighting volunteers of the Township be conducted in accordance with policies and procedures to be developed by the Administrator’s office;

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

EXPLANATION – Matter in bold-faced in this document is not enacted and is intended to be omitted in the Barnegat Township Code. Matter underlined thus is new matter.

Section 1. Chapter 70 shall be amended as follows:

70-1. Policy established.

It is the policy of the Township of Barnegat that drug tests shall be conducted on all first aid and firefighting volunteers while members of the Barnegat Township First Aid and/or Fire Companies. Drug tests, including random drug tests, shall be conducted in accordance with the policies and procedures to be developed by the Administrator's office random drug program established by the Township of Barnegat for the Barnegat Township Police Department. In all cases drug testing shall be consistent with the provisions of the Attorney General's Law Enforcement Drug Testing Policy.

70-2. Findings.

The Township finds that volunteers in the Barnegat Township First Aid and Fire Companies have particular and sensitive positions which mandate assurances by the citizens of Barnegat Township that these volunteers are drug free. These volunteers operate Township, First Aid and Fire Department emergency vehicles, and are entrusted with the care and safety of citizens of the Township.

70-3. Failed Drug Tests or Refusal to Test.

Any first aid or firefighting volunteer of the Township who fails a drug test taken pursuant to this policy or refuses to take a drug test pursuant to this policy may be subject to disciplinary action, up to and including termination.

70-3. Adoption of Township of Barnegat Law Enforcement Drug Testing Policy for first aid and firefighting volunteers.

The Township hereby adopts the Township of Barnegat Law Enforcement Drug Testing Policy, a copy of which is on file at the office of the Township Clerk and can be reviewed during normal business hours, for all first aid and firefighting volunteers of Barnegat Township.

70-4. Conducted by Barnegat Township Administrator. **Police Chief.**

The **random** drug testing policy for first aid and firefighting volunteers shall be conducted by the Barnegat Township Administrator **Police Chief**, in accordance with the

aforementioned policies and procedures to be developed by the Administrator's office
Random Drug Testing Policy.

70-5. Implementation.

Drug tests under this chapter, conducted in accordance with the policies and procedures to be developed by the Administrator's office, shall begin three (3) months after passage of the ordinance amending this chapter.

Section 2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Section 5. This Ordinance shall take effect upon final passage and publication as provided by law.

Ordinance 2018 – 12 (Second Reading)

An Ordinance amending and supplementing Article III, Chapter 55.80 of the Township Land Use Code entitled "Fees" increasing fees for various Zoning Permits

Motion to open Public Comment: A. Bille
Motion to close Public Comment: A. Bille

Second: A. Cirulli
Second: A. Cirulli

Motion to adopt ordinance: A. Bille

Second: A. Cirulli

Roll Call: Committeeman Lopes: Yes

Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

ORDINANCE 2018 - 12

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE
OF NEW JERSEY AMENDING AND SUPPLEMENTING
ARTICLE III CHAPTER 55-80 OF THE TOWNSHIP LAND
USE CODE ENTITLED, "FEES"**

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

SECTION 1. The Township hereby modifies and supplements Article III of the Township Land Use Code Chapter 55-80 entitled “Application Fees, Escrows, Guarantees, Inspections And On/Off-Tract Improvements”

55-80.1 Fees.

	Application Fees	Escrow Account + Deposits
(16) Zoning Permits		
(a) Residential (new dwellings and additions)	\$50 per dwelling unit	none required
(residential accessory structures including, but not limited to detached garages, sheds, decks, patios and swimming pools)	\$30	none required
[Amended 8-2-04 by Ord. No. 2004-39]		
(b) Business, Commercial, Industrial and Institutional		
(new principal buildings)	\$100	none required
(alterations and additions)	\$100	none required
(accessory structures including, but not limited to signs, sheds, and decks)	\$100	none required
[Amended 8-2-04 by Ord. No. 2004-39]		
(c) Temporary Event Use	\$15	none required
(d) All Other Zoning Permits	\$50	none required
	Application Fees	Escrow Account + Deposits
(e) On-site Construction Trailers (first year)	\$100	none required
(annual renewal fee)	\$75	none required
(f) Preliminary zoning permit (in accordance with	\$50	

requirements of
55.279.1)
[Added 8-2-04
by Ord. No.
2004-39]

SECTION 2. The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

SECTION 3. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 4. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

Formal Action:

Resolution 2018 – 126

Resolution authorizing payment of Bill List in the amount of \$6,115,347.96

Motion to adopt resolution: A. Bille

Second: A. Cirulli

Roll Call: Committeeman Lopes: Yes
Committeeman Novak: Yes Vendor 00118 Abstain
Committeeman Bille: Yes
Deputy Mayor Cirulli: Yes Mayor Caputo: Yes

Resolution 2018 – 127

Resolution to read the budget by title only at the public hearing

Motion to adopt resolution: A. Bille

Second: A. Cirulli

Roll Call: Committeeman Lopes: Yes Committeeman Novak: Yes
Committeeman Bille: Yes
Deputy Mayor Cirulli: Yes Mayor Caputo: Yes

Tom Lombarski, CFO read budget by title, and made comments about the budget and how excited he is about this budget. Department heads, Mayor and Committee were helpful in getting this budget done on time.

Motion to Open Public Hearing on the 2018 Budget: J. Novak

Second: J. Lopes

Robert Martucci 15 Hatteras Way- Discussed discretionary funding is and the obligations.

Frank Pecci 11 Hemlock Dr.- Mention that Tom did a great job. He wants the people to know how we saved and brought up the categories of Other.

Michelle Woodruff, 5 Ann Court- Discussed Rent Leveling Board and the committee allowing the parks to contribute.

Jake Taylor, 106 Newark Road- Discussed the ammunition for the police, and Department head meeting about the budge. He also questioned delinquencies.

Martin Lisella- Discussed some laws on delinquencies and how we give shut off notices.

J. Novak- Gave the laws in regards to delinquent taxes and an explanation to Mr. Taylor.

Marty Lisella- Gave thanks to Tom Lombarski on a great job with the budget.

J. Lopes- Comment on how hard it is to keep a budget in line and complimented what a great job Tom Lombarski did.

A Cirulli- In regards to the water tower, Walters has given us what we needed in replace of that.

J. Hess- The original agreement was to relocate an old tank to Barnegat. We would have received a tank with only half its life left. As an alternate Walter paid for the pressure reducing valves to control the pressure in the lower areas of town.

Motion to Close Public Hearing on the 2018 Budget: A. Bille
Second: J. Lopes

Resolution 2018 – 128
Resolution adopting the 2018 Municipal Budget

Motion to adopt resolution: A. Cirulli	Second: J. Novak
Roll Call: Committeeman Lopes: Yes	Committeeman Novak: Yes
Committeeman Bille: Yes	
Deputy Mayor Cirulli: Yes	Mayor Caputo: Yes

New Business:

Approval of the minutes from the March 6, 2018 meeting

Motion to adopt minutes: J. Novak	Second: A. Cirulli
Roll Call: Committeeman Lopes: Yes	Committeeman Novak: Yes
Committeeman Bille: Yes	
Deputy Mayor Cirulli: Yes	Mayor Caputo: No

Ordinance 2018 – 13 (First Reading)

Introduction and first reading of Ordinance 2018-13, which was read by title only, as follows:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 44A OF THE TOWNSHIP GENERAL CODE ENTITLED "FEES, MISCELLANEOUS" SPECIFICALLY CHAPTER 44A-3 TAX COLLECTOR'S OFFICE IN ORDER TO ADD TAX SALE NOTICE MAILING FEE

Was introduced and passed on first reading and will be further considered for final passage, after public hearing to be held on May 1, 2018 or as soon thereafter the matter may be reached

Motion to introduce ordinance: A. Cirulli

Second: J. Lopes

Roll Call: Committeeman Lopes: Yes
Committeeman Bille: Yes
Deputy Mayor Cirulli: Yes

Committeeman Novak: Yes
Mayor Caputo: Yes

Ordinance 2018 – 14 (First Reading)

Introduction and first reading of Ordinance 2018-10, which was read by title only, as follows:

AN ORDINANCE CREATING NEW CHAPTER IN THE TOWNSHIP GENERAL CODE IN ORDER TO CREATE A PERMIT PROCESS TO FACILITATE AND REGULATE ENTERTAINMENT INDUSTRY WORK PERFORMED IN THE TOWNSHIP I.E. FILMING AND BROADCASTING PROJECTS WITHIN THE TOWNSHIP

Was introduced and passed on first reading and will be further considered for final passage, after public hearing to be held on May 1, 2018 or as soon thereafter the matter may be reached

Motion to introduce ordinance: A. Cirulli

Second: J. Novak

Roll Call: Committeeman Lopes: Yes
Committeeman Bille: Yes
Deputy Mayor Cirulli: Yes

Committeeman Novak: Yes
Mayor Caputo: Yes

Consent Agenda:

The below listed items are considered to be routine by the Township of Barnegat and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately.

Approval for Sylvia Rohe as member of the Barnegat Volunteer Fire Company

Approval for Hackensack Meridian Health to hold Hospice Spring Memorial Service at the Municipal Dock on June 15, 2018, 5:30-7:00pm

Approval for Social Affairs Permit be issued to the American Legion for the annual Clam Bake event July 28, 2018 (rain date July 29, 2018)

Resolution 2018 – 129

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

Resolution 2018 – 130

Resolution authorizing the Tax Collector to refund payment erroneously paid
Block 95.47 Lot 14; 42 Hidden Lake Circle

Resolution 2018 – 131

Resolution authorizing reimbursement for cancellation of recreation program
classes

Resolution 2018 – 132

Resolution authorizing an extension to an unpaid medical leave of absence to
Patricia Farrell

Resolution 2018 – 133

Resolution authorizing an extension to medical leave for Joseph Pistone

Resolution 2018 – 134

Resolution authorizing a medical leave to Margaret Vitale

Resolution 2018 – 135

Resolution appointing Hearing Office Raymond Hayducka for employment
matters

Resolution 2018 – 136

Resolution authorizing the sale of one passenger bus to the Township of
Waretown for \$1.00

Resolution 2018 – 137

Resolution awarding IT Service Contract for Municipal Offices and Police
Department to PCS, 204 Harper Drive, Moorestown NJ in the amount of
\$51,600.00

Resolution 2018 – 138

Resolution approving change order No. 1 and authorizing contractors' final
payment to Mathis Construction for the Barnegat Boulevard Sanitary Sewer
rehabilitation Project in the amount of \$41,204.71

Resolution 2018 – 139

Resolution approving the request for release of Performance Guarantee to
Walters Development Co, for the Whispering Hills Phase I, Water System
Facilities

Resolution 2018 – 140

Resolution denying the request for release of Performance Guarantee to Walters
Development Co, for the Whispering Hills Phase I, Sanitary Sewer Facilities

Resolution 2018 – 141

Resolution approving the request for reduction of Performance Guarantee to
Walters Development CO., for the Ocean Acres Phase 9 Site Improvements

Resolution 2018 – 142

Resolution approving the request for reduction of Performance Guarantee to D.R. Horton, Inc. for the Sea Crest Pines development for the Recreational Facility

Resolution 2018 – 143

Resolution appointing members to the Historic Preservation commission

Resolution 2018 – 144

Resolution approving a waiver request for road opening moratorium for 9 Seaview Court

Resolution 2018 – 145

Resolution approving a waiver request for road opening moratorium for 16 Mast Drive

Resolution 2018 – 146

Resolution proclaiming National Day for Service and National Volunteer Week

Resolution 2018 – 147

Resolution proclaiming support for the 2018 UDrive, UText, UPay, Distracted Driving Crackdown

Resolution 2018 – 148

Resolution supporting the designation of National Library Week

Resolution 2018 – 149

Resolution proclaiming support in recognizing the month of May as “Paint the Town Pink” month

Resolution 2018 – 150

Resolution proclaiming support of the month of May as “Older American’s Month

Resolution 2018 – 151 Removed from Consent Agenda

Resolution supporting the opposition of offshore oil and gas exploration and drilling activities off the North Atlantic Coast

Motion to Remove Resolution 2018-151: A. Cirulli Second: J. Novak

Roll Call: Committeeman Lopes: Yes Committeeman Novak: Yes
 Committeeman Bille: Yes
 Deputy Mayor Cirulli: Yes Mayor Caputo: Yes

Motion to Adopt Consent Agenda: A. Cirulli Second: A. Bille
With exception of 2018-151

Roll Call: Committeeman Lopes: Yes Committeeman Novak: Yes
 Committeeman Bille: Yes
 Deputy Mayor Cirulli: Yes Mayor Caputo: Yes

Resolution 2018 – 151 **TABLED******

Resolution supporting the opposition of offshore oil and gas exploration and drilling activities off the North Atlantic Coast

Motion to Table Resolution: A. Cirulli

Second: A. Bille

Roll Call: Committeeman Lopes: Yes

Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

Items of discussion by the Township Committee Members:

- **Township meeting times**
- **Repairs to the brick wall at Georgetown Boulevard**

Resolution 2018 – 152

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

Motion to adopt resolution: J. Novak

Second: A. Cirulli

Roll Call: Committeeman Lopes: Yes

Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

Motion to Adjourn: J. Novak

Second: A. Cirulli

All in Favor

**Next scheduled meeting
May 1, 2018 at 10:00 AM**

I hereby certify that the foregoing minutes were formally approved by the Barnegat Township Committee:

Municipal Clerk