

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

**TOWNSHIP COMMITTEE MEETING MINUTES
October 2, 2018, 6:30 p.m.**

Call to Order the October 2, 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 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.

Invocation: by Pastors Jeff Brandt, of United Faith Church

Pledge of Allegiance:

Roll Call of Officials:

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

Presentation of WWI Service Flag by the Ocean County Board of Chosen Freeholders

Proclamation for Put the Brakes on Fatalities Day

Resolution 2018 – 343

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

Motion to adopt Resolution: A. Bille

Second: J. Lopes

Roll Call: Committeeman Lopes: Yes Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

Committee Reports:

J. Novak- Discussed Homeland Security meeting he attended, and the topic was civilian response to active shooter situations. Looking to put some kind of curriculum together for the schools and any one from the community who would like to attend.

Al Bille- Talked about traveling through the town and the works of Laura Zinger and Al Cirulli, working on cleaning up Settlers. Seacrest sold 7 houses alone in this community. Discussed a service at St. Mary's fighting the war on Drugs. Gave thanks to Tom Lombarski on a great job. Burr Street will be fixed this week.

J. Lopes- Gave code enforcement statistics.

Al Cirulli- Discussed the RWJ Barnabas Health, Children wellbeing and health youth Program. Barnabas health stepped in and will be with this for ten year. This will promote the kids doing well in school and avoiding drugs. Thank the police for their efforts, along with the committee and neighborhood watch. He talked about the drugs coming in and arrests of illegal aliens and ms3 gang members. Protests against the legalization of marijuana, gave statistics from other states that legalize.

Mayor's Report:

F. Caputo- Gave fire and police statistics. We should all do our own part to recognize what is harmful. Wished Kris Burke well in the academy. Various CO's were pulled for Barnegat 67 retail units. Discussed the brand new version of Dunkin coming, along with the New Town Hall and the Public Works building. When this project is completed you will be proud. Addressed Breast Cancer awareness this month. Talked about how the Dunfee School hosted their Positivity Parade. Gave a reminder that the next meeting will be November 13th due to voting the week before. November 8th is a double Wild Fire Safety Council Meeting

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, when it is intended to assist the Committee. Comments and discussion will be limited to a five (5) minute period per individual. Each participant must be recognized by the Mayor and must preface their comments by a clear announcement of their name, address and, group affiliation if appropriate. Your anticipated courtesy to the members of the public and the committee is greatly appreciated.

Motion to Open Public Session: J. Novak

Second: A. Cirulli

Jean Gurkas, 200 Rahway Rd. - Asked about the sidewalks that were repaired by JCP&L and the 15 other sidewalks that were not repaired.

John Hess- Gave an explanation on the sidewalk repairs. It took several years to settle on the cost of the repairs. Johnson Barron Corporation addressed all the damage that was on the list prepared by ARH. They repaired all the damaged that was determined by the prior engineer based on the damaged cause by the contractor used by JCP&L

F. Caputo- Reiterated what Mr. Hess had stated about the process of the repairs.

Motion to Close Public Session: A. Bille

Second: A. Cirulli

Old Business:

Ordinance 2018 – 28 (Second Reading)

AN ORDINANCE RE-APPROPRIATING \$750,000 OF PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FUNDING FOR A PORTION OF THE COST OF THE NEW PUBLIC WORKS BUILDING FOR THE TOWNSHIP

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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$750,000 of the proceeds of obligations originally made available pursuant to the Township of Barnegat, in the County of Ocean, New Jersey (the "Township") Bond Ordinance No. 2015-07 finally adopted by the Township Committee of the Township on July 20, 2015 (the "Bond Ordinance"), namely Sections 3(a)(1) and 3(a)(3) of the Bond Ordinance, are no longer necessary for the purposes for which the obligations previously were authorized.

Section 2. The \$750,000 described in Section 1 hereof and made available pursuant to N.J.S.A. 40A:2-39, comprised of \$150,000 from Section 3(a)(1) of the Bond Ordinance and \$600,000 from Section 3(a)(3) of the Bond Ordinance are hereby reappropriated to provide funding for a portion of the cost of the construction of a new Township Public Works Building.

Section 3. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion to Open Public Session: A. Bille

Second: A. Cirulli

No public comment

Motion to Close Public Session: A. Bille

Second: A. Cirulli

Motion to adopt ordinance: A. Cirulli

Second: A. Bille

Roll Call: Committeeman Lopes: Yes Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

Ordinance 2018 – 29 (Second Reading)

AN ORDINANCE PROVIDING FUNDING FOR A PORTION OF THE COST OF THE CONSTRUCTION OF A NEW PUBLIC WORKS BUILDING FOR THE TOWNSHIP AND APPROPRIATING \$500,000 THEREFORE FROM THE TOWNSHIP'S 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 \$500,000 is hereby appropriated by the Township of Barnegat, in the County of Ocean, New Jersey (the "Township") from the Township's Capital Improvement Fund to provide funding for a portion of the cost of the construction of a new Township Public Works Building, including all things necessary therefore or incidental thereto.

Section 2. 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 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.

Motion to Open Public Session: A. Cirulli

Second: J. Novak

No public comment

Motion to Close Public Session: A. Bille

Second: J. Novak

Motion to adopt ordinance: J. Novak

Second: A. Cirulli

Roll Call: Committeeman Lopes: Yes Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

Ordinance 2018 – 30 (Second Reading)

AN ORDINANCE AMENDING CHAPTER 64 OF THE TOWNSHIP CODE
REGARDING RENT LEVELING BOARD

WHEREAS, the Township of Barnegat, through adoption of Barnegat Municipal Code Chapter 64 established a series of municipal requirements which govern the rules as applied to mobile home parks and mobile home spaces; and,

WHEREAS, the Township of Barnegat, through adoption of Barnegat Municipal Code Chapter 64-1 through 64-13 delineated specific factors which should be utilized in determining appropriate amounts that could be charged as rent and various other charges that could be passed through as rent; and,

WHEREAS, the Township of Barnegat desires to amend Chapter 64 of the Municipal Code to redefine the position of Chairman of the Rent Leveling Board and redefine the terms of service for Members of the Board. Additionally, the Township desires to eliminate the appeal process whereby decisions of the Board may be appealed to the Barnegat Township Committee.

WHEREAS, the Township of Barnegat will not provide clerical or legal assistance to the Barnegat Rent Leveling Board; 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:

Section 1. Chapter 64 Rent Leveling is amended as follows:

64-8. Additional rent increases.

G.Hearings. Any appeal or hardship rent increase application must be filed forty-five (45)

days prior to the proposed hearing date. Any data upon which the landlord seeks to rely upon before the Board must be submitted with the application in order to allow the Board adequate time to review the data prior to the hearing. If the Board finds that it has been given the proper and appropriate information prior to the hearing, the Board may, in its discretion, agree to review additional data at the time of the hearing not previously submitted. The Board would make such determination based on the pertinence to the landlord's appeal and the finding that the landlord is unable to submit the information or material on a timely basis and was acting in good faith.

64-9. Rent Leveling Board. (replace existing Chapter 64-9A. with the following language):

A. Board created. There is hereby created a Rent Leveling Board within the Township of Barnegat. The Board shall consist of four (4) regular members and a Chairman. Each mobile home park in the Township shall be represented on the Board by a landlord representative and a tenant representative. A voting Chairman shall be chosen by the Barnegat Township Mayor and Committee on an annual basis. The Chairman will preside over each meeting of the Board. All members shall be appointed by the Township Committee and shall serve one year terms, commencing the first day of January of the year of their appointments. There shall be two (2) alternates, appointed annually by the Township Committee, to serve in the absence or disqualification of a corresponding regular member, one (1) of whom shall be a landlord representative and one (1) of whom shall be a tenant representative of a mobile home park. Vacancies shall be filled for the balance of the terms. No member shall vote upon or enter into discussions as to any matter in which he has a direct or indirect interest, financial or otherwise.

64-10. Appeals. (replace existing Chapter 64-10A. with the following language):

A. Both a landlord and tenant may appeal, in writing, the findings of the Rent Leveling

Board to a court of competent jurisdiction or any other body agreed upon by the parties. The Township Committee shall not hear any appeals. All expenses associated with the cost of an appeal shall be the responsibility of the parties. The Township Committee will have no authority to hear appeals of decisions made by the Board.

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.

Motion to Open Public Session: A. Bille

Second: A. Cirulli

No public comment

Motion to Close Public Session: A. Bille

Second: A. Cirulli

Motion to adopt ordinance: J. Novak

Second: A. Cirulli

Roll Call: Committeeman Lopes: Yes Committeeman Novak: Yes

Committeeman Bille: Yes

Deputy Mayor Cirulli: Yes

Mayor Caputo: Yes

Ordinance 2018 – 31 (Second Reading)

AN ORDINANCE CREATING NEW CHAPTER 60A TO ESTABLISH
REGULATIONS AND PRESCRIBE PENALTIES FOR EXCESSIVE
CONSUMPTION OF MUNICIPAL SERVICES

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

1. Chapter 60-A is hereby created to add a new chapter, entitled "Excessive Consumption of Municipal Services," to provide as follows:

§ 60A-1. FINDINGS & PURPOSE.

- A. The Township Committee of Barnegat finds and declares that there are properties located in the Township where nuisances exist and other activities occur which have resulted in the excessive consumption of municipal services.
- B. The Township Committee of Barnegat finds and declares that the cost of the excessive consumption of municipal services relating directly to these nuisance properties should be paid by the property owner and not through general tax revenues.

- C. This Article is intended to establish regulations and procedures identifying, and providing for the assessment and timely payment of the cost of excessive consumption of municipal services, associated with these nuisance properties.

§ 60A-2. DEFINITIONS

As used in this Article, the following terms are defined as set forth herein:

- A. EXCESSIVE MUNICIPAL SERVICES: Any qualifying Barnegat Township Police Department calls made to a property while that property is on probationary nuisance status.
- B. NUISANCE PROPERTY: Properties on which activities occur that result in qualifying Barnegat Township Police Department calls for municipal services during any 60-day period in excess of the number of calls listed on the schedule in §60A-5 are considered nuisance properties and are subject to the penalties and procedures as set forth in this Article.
- C. PROBATIONARY NUISANCE STATUS: The designation applied to properties which, as determined by a public officer, have received the requisite number of qualifying calls within a 60-day period. Probationary nuisance status is effective for a 12-month period beginning on the date of the public officer's determination. During probationary nuisance status, the property owner is liable to the Township Committee of Barnegat for user charges from each qualifying call.
- D. QUALIFYING CALLS: Calls resulting from Barnegat Township Police Department responses to potential violations of state or local laws, regulations, or ordinances, including, but not limited to those cited in the following list, and others not so identified, but specifically determined to be qualifying by the hearing officer. Not included in the following list are calls for permitting, licensing, inspections, or similar administrative functions and calls from or on behalf of victims who reside at the property which is the subject matter of the call:
 - (1) The sale, service, or consumption of alcoholic beverages.
 - (2) Disorderly conduct, disturbing the peace, littering or excessive noise.
 - (3) Damage to property or injury to a person.
 - (4) Improperly parking a vehicle, or any motor vehicle violation on private property.
 - (5) Possession of a barking, howling, biting, or dangerous animal.
 - (6) Possession, distribution, or use of a controlled substance.
 - (7) Prostitution.
 - (8) Public Urination, defecation, indecent exposure.
 - (9) Criminal Activity.
- E. USER FEE: A fee of \$300 for each additional qualifying call made to the subject property within the 12-month period following the date a complaint is issued for excessive consumption of municipal services.

§ 60A-3. DESIGNATION OF PUBLIC OFFICER.

The Township Chief of Police, or his designee, shall administer the necessary record keeping and investigation required in connection with this Article.

§ 60A-4. REPORTING OF MUNICIPAL SERVICE USE.

- A. The Township Chief of Police, or his designee, must keep and maintain records documenting the following information concerning the properties serviced:
 - (1) The exact address and tax-map designation of the subject property.
 - (2) The name and address of property owners.
 - (3) The date(s) of the incident(s).
 - (4) A full description of the nature of the incident and the violation(s).
 - (5) The identity of the public employee providing the services.
- B. The Barnegat Township Police Department providing the excessive municipal services shall coordinate as needed, with other municipal agencies and the Municipal Attorney to enforce this Article.

§ 60A-5. DETERMINATION OF EXCESSIVE USE.

During any 60-day period, properties that necessitate qualifying calls for municipal services that exceed the amounts set forth in the following schedule are designated nuisance properties and subject to penalties and procedures established under this Article.

- A. Residential Properties of 1 through 4 dwelling units: 5 qualifying calls.
- B. Multi-family dwelling and hotel/motel uses:
 - (1) Five through 40 dwelling units: 10 qualifying calls
 - (2) 41 through 80 dwelling units: 20 qualifying calls
 - (3) 81 through 200 dwelling units: 30 qualifying calls
 - (4) Over 200 dwelling units: 40 qualifying calls
- C. Convenience, grocery, liquor and retail stores: 10 qualifying calls.
- D. Restaurants, bars, and entertainment establishments: 30 qualifying calls.
- E. All other properties not included in the preceding categories: 10 qualifying calls.

§ 60A-6. NOTICE REQUIREMENTS COMPLAINT PROCEDURE.

- A. Whenever the public officer determines that any property has become a nuisance property based on excessive consumption of municipal services, he or she shall issue a complaint and summons reciting the location of the property, stating that the property is on probationary nuisance status, and the allegations supporting a finding of excessive use and a notice of hearing setting forth the date and time and place for a hearing on the matter.
- B. The Complaint shall also provide notice:
 - (1) That the property will be on probationary nuisance status for the 12 months following the date of the complaint.

- (2) That during the probationary nuisance status period, each additional qualifying call to the property will be subject to a user-fee of \$300 per call.
 - (3) Listing the dates and the nature of the qualifying calls made to the subject property that gave rise to the determination of excessive use.
 - (4) Directing that the offending activities be immediately abated.
- C. The complaint and notice of hearing shall be served on the property owner. Service shall be made by regular mail and either certified mail return receipt required, or overnight delivery service to the last known address of the recipient as it appears in Township records.
- D. If the whereabouts of property owner cannot be ascertained by reasonable diligence, service of the complaint and notice of hearing shall be effectuated as follows:
- (1) One-time publication of the complaint and notice of hearing in one of the Township's official newspapers.
 - (2) Conspicuous posting of the complaint and notice of hearing on a building or structure located on the subject property.
- E. Whenever an individual dwelling unit within a multi-family dwelling has received five qualifying calls within a 60-day period, the public officer shall notify the property owner as provided hereunder so that the property owner can take action to abate the nuisance. This notice shall be issued notwithstanding that the multi-family dwelling did not receive the required number of qualifying calls that would trigger a notice of violation.
- F. Should the number of qualifying calls to any property meet or exceed 50% of the number specified in §60A-5, the public officer may, but is not required to, so notify the owner, tenant, or occupant thereof.

§ 60A-7. HEARING PROCEDURE; COST TO BE ASSESSED; VIOLATIONS & PENALTIES.

- A. A hearing shall be held on the allegations recited in the complaint. The public officer or other Police officers involved shall present evidence and testify at the hearing and may produce witnesses in support of the allegations recited in the complaint. The property owner and any interested party shall have the right to appear at the hearing and testify, produce witnesses, and be represented by an attorney.
- B. The Municipal Attorney shall serve as hearing officer. The hearing officer is charged with determining whether, in a 60-day period, the subject property received qualifying calls in excess of those permitted under §60A-5. If so, the hearing officer shall confirm that the property was on probationary nuisance status from the date of the complaint. If the hearing officer also determines that qualifying calls were made to the subject property during the probationary period, the fact shall be so noted in the hearing officer's findings. Based on these findings, the hearing officer shall enter an order against the property owner.
- C. The following shall be memorialized in the hearing officer's order:

- (1) A finding that the subject property was on probationary nuisance status.
 - (2) A determination that an excessive number of qualifying calls were made to the subject property during the probationary nuisance status period.
 - (3) An assessment of the reasonable costs of litigation, including, but not limited to, the costs of a court reporter and transcript, and an administration fee of \$100.
 - (4) An assessment of a user fee of \$300 per call for each qualifying call in excess of the permitted number. If the qualifying calls involved the same tenant or occupant, this fee may be apportioned between the owner and the tenant/occupant.
- D. Additional qualifying calls to the subject property following the hearing and within a one-year period from the date of the complaint constitute a further violation of this Article and are subject to a \$300 per call user fee. A summons and complaint shall be filed in the Barnegat Municipal Court for each subsequent qualifying call, each being a separate violation, with the \$300 per call user fee the penalty to be imposed upon a guilty plea or conviction. Notice of this provision shall be incorporated in the hearing officer's order.
- E. The hearing officer's order shall be served upon the appropriate parties in the same manner as service of the complaint and notice of hearing; except that, in the event the whereabouts of the property owner, tenant, or occupant cannot be ascertained, then the order shall also be recorded in the Ocean County Clerk's office.

§ 60A-8. ASSESSMENT OF LIEN.

- A. Any fees, costs, or penalties that remain unpaid 60 days from the date of an order issued pursuant to this Article shall be assessed as a lien against the subject property, enforceable and collectible in the same manner as liens for delinquent real property taxes and municipal service charges.
- B. Pursuant of N.J.S.A. 40:52-1.2, municipal licenses, permits, and certificates of occupancy applied for or issued to the subject property may be revoked, suspended, withheld, or denied renewal for failure to comply with and satisfy any payment obligations under an order imposed pursuant to this Article.
2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.
3. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.
4. This ordinance shall take effect following its final passage by the Township Committee of Barnegat, approval by the Mayor, and twenty days after the publication as required by law.

Motion to Open Public Session: A. Bille **Second: A. Cirulli**

No public comment

Motion to Close Public Session: A. Bille

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 – 32 (Second Reading)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 55, LAND USE CODE, ZONE COMMERCIAL CORE-COMMERCIAL PLANNED HIGHWAY DEVELOPMENT (CC-CPHD)

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 Recognizes its obligations from time to time, to review Chapter 55 of the Township Code entitled, "Land Use" in order to supplement and amend as needed in order to meet changing conditions and needs of the tax payers and residents of the township.

SECTION 2. The Township has previously established a Commercial Core-Commercial Planned Highway Development ("C.C. – C.P.H.D.") Overlay Zone along the Route 9 Corridor.

SECTION 3. The Township believes it appropriate and necessary to modify the current zoning of properties within the aforementioned zone so as to require, as a conditional use, mixed use developments within that zone.

SECTION 4. The Township therefore hereby permits mixed-use development as a conditional use in the "C.C. – C.P.H.D." Zone, within the Commercial Core Overlay Zone. The conditional use is hereby imposed, which must be adhered to by any applicant or property owner.

SECTION 5. Chapter 55-35.7. C. Conditional Uses. ((9) Mixed-use developments is hereby amended and supplemented as follows:

(new language is underlined and deleted language is ~~stricken through~~):

- a.) The area must be a minimum of twelve (12) acres;
- b.) Any residential development shall be in conjunction with no less than 33,600 square feet of retail/commercial space;
- c.) The maximum density of the residential development shall be 13,32 units/acre of the entire tract being developed;

- d.) The residential apartments shall be limited to a maximum of two (2) bedrooms. Each two- bedroom apartment shall be no less than 1,100 sq. ft. Townhouses shall be limited to three (3) bedrooms;
- e.) Mixed Use Development buildings may include as a permitted use self-storage on second and third floors only.

The Mixed Use Development shall conform to the following bulk standards:

- vi. Maximum building height of stories or 48 ft. for the apartment and mixed use buildings.
- vii. No more than 24 42 apartment units shall be permitted in any building.

h.) The proposed mixed-use development, as it applies to the commercial area, the minimum parking ratio shall be 3.03 spaces/1,000 sq. ft. of gross floor area. The apartment and residential component of a mixed use development must comply with the minimum parking requirements set forth in Chapter 55-173 of the Land Use Code. If Chapter 55-173 of the Land Use Code does not include a parking standard for a proposed use, the Institute of traffic Engineers (ITE) standards will apply.

j.) A clubhouse shall be provided for use by the tenants of the residential apartments and townhouses. The clubhouse shall have a minimum floor area of 25 sq. ft. per apartment unit exclusive of swimming pool. The clubhouse shall also include outside amenities such as, but not limited to, a pool, cabana, et cetera. A portion of the clubhouse may be set aside for use as a leasing office. The clubhouse must be constructed and placed into service prior to the issuance of a Certificate of Occupancy for the 48th apartment unit.

SECTION 6. The applicant/property owner will be required to make appropriate payments to the Township's Affordable Housing Trust Fund, as mandated by the Township Code, at the time of Site Plan and/or Subdivision approval granted by the Barnegat Township Planning Board. One-half of the fee must be paid upon receipt of preliminary site plan approval.

SECTION 7. 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 8. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9. This ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

Motion to Open Public Session: J. Novak **Second:** A. Bille
No public comment

Motion to Close Public Session: A. Bille **Second:** J. Novak

Motion to adopt ordinance: A. Bille **Second:** J. Novak

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

Formal Action:

Resolution 2018 – 307

Resolution authorizing payment of Bill List in the amount of \$2,860,074.36

Resolution 2018 – 308

Resolution requesting a Chapter 159, special item of revenue, be added to the 2018 budget for the *NJOEM FY19 966 Grant* in the amount of \$16,030.00

New Business:

Approval of the minutes from the September 4, 2018 meeting

Ordinance 2018 – 33 (First Reading)

Introduction and first reading of Ordinance 2018-33, which was read by title only as follows:
**AN ORDINANCE OF THE TOWNSHIP AMENDING AND SUPPLEMENTING
CHAPTER 55, LAND USE CODE, SECTION 351 ENTITLED "MANDATORY
DEVELOPMENT FEES, NON-RESIDENTIAL"**

Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on November 13, 2018 or as soon thereafter the matter may be reached.

Motion to introduce 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 – 34 (First Reading)

Introduction and first reading of Ordinance 2018-34, which was read by title only as follows:
AN ORDINANCE OF THE TOWNSHIP AMENDING AND SUPPLEMENTING CHAPTER 71A OF THE TOWNSHIP GENERAL CODE ENTITLED “VEHICLES, PARKING RESTRICTIONS IN RESIDENTIAL AREAS”

Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on November 13, 2018 or as soon thereafter the matter may be reached.

Motion to introduce 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 – 35 (First Reading)

Introduction and first reading of Ordinance 2018-35, which was read by title only as follows:
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 9A OF THE TOWNSHIP GENERAL CODE ENTITLED “DEPUTY TOWNSHIP CLERK”

Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on November 13, 2018 or as soon thereafter the matter may be reached.

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

Ordinance 2018 – 36 (First Reading)

Introduction and first reading of Ordinance 2018-36, which was read by title only as follows:
AN ORDINANCE AMENDING CHAPTER 44A-2.A.OF THE BARNEGAT TOWNSHIP MUNICIPAL CODE CONCERNING FEES TO BE CHARGED FOR CERTAIN PUBLIC RECORD REQUESTS

Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on November 13, 2018 or as soon thereafter the matter may be reached.

Motion to introduce 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 – 37 (First Reading)

Introduction and first reading of Ordinance 2018-37, which was read by title only as follows:
AN ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE, CHAPTER 74, “WATER AND SEWER UTILITY”

Was introduced and passed on first reading and will be further considered for final passage after public hearing to be held on November 13, 2018 or as soon thereafter the matter may be reached.

Motion to introduce ordinance: A. Bille

Second: J. Lopes

Roll Call: Committeeman Lopes: Yes Committeeman Novak: Yes
Committeeman Bille: Yes
Deputy Mayor Cirulli: 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 American Legion Post #232 to hold off-premise 50/50 on February, 15, 2018

Approval for Heritage Point Women's Group to hold an On Premise 50/50 on December 10, 2018

Approval for St. Mary's Church to hold a Calendar Raffle on the First Wednesday of each month for the year 2019

Approval for a Block party for 175 & 177 Emerson Lane for October 12th, 2018 from 3:00 pm to 10:00 pm. (Rain date for October 19th, 2018)

Resolution 2018 – 309

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

Resolution 2018 – 310

Resolution authorizing the Tax Collector to refund overpayment for Totally Disabled Veteran tax exemption Block 92.117, Lot 47; 41 Newport Street

Resolution 2018 – 311

Resolution authorizing the Tax Collector to refund overpayment for Totally Disabled Veteran tax exemption Block 92.24, Lot 16; 4 Deer Lake Court

Resolution 2018 – 312

Resolution authorizing the Tax Collector to refund overpayment for Totally Disabled Veteran tax exemption Block 95.40, Lot 60; 32 Shady Stream Rd

Resolution 2018 – 313

Resolution authorizing the Tax Collector to refund overpayment for Totally Disabled Veteran tax exemption Block 161.07, Lot 3.04; 59 Rose Hill Road

Resolution 2018 – 314

Resolution authorizing the Tax Collector to refund overpayment for Totally Disabled Veteran tax exemption Block 92.64, Lot 4; 25 Avalon Ave

Resolution 2018 – 315

Resolution authorizing the Tax Collector to refund overpayment for Totally Disabled Veteran tax exemption Block 114.05, Lot 12; 80 Barnegat Blvd

Resolution 2018 – 316

Resolution authorizing the Tax Collector to refund overpayment for Totally Disabled Veteran tax exemption Block 92.22, Lot 11; 53 Tina Way

Resolution 2018 – 317

Resolution authorizing the Tax Collector to refund overpayment for Totally Disabled Veteran tax exemption Block 93.20, Lot 10; 20 Portland Street

Resolution 2018 – 318

Resolution authorizing the Tax Collector to refund overpayment for Totally Disabled Veteran tax exemption Block 172, Lot 38.04; 57 Memorial Drive

Resolution 2018 – 319

Resolution authorizing the Tax Collector to refund overpayment of property tax Block 114.36 Lot 9; 151 Schooner Ave

Resolution 2018 – 320

Resolution authorizing reimbursement for cancelled Recreation event

Resolution 2018 – 321

Resolution authorizing an extension to medical leave of absence to Brandon Farrell

Resolution 2018 – 322

Resolution authorizing a separation agreement with Public Works employee Jeffrey Phillips

Resolution 2018 – 323

Resolution authorizing the Municipal Clerk to advertise for Full Time Clerk Typist for the Water & Sewer department

Resolution 2018 – 324

Resolution authorizing the Municipal Clerk to advertise for Full Time Laborer for the Public Works Department

Resolution 2018- 325

Resolution authorizing the Municipal Clerk to advertise for two (2) positions of Crossing Guard

Resolution 2018 – 326

Resolution rejecting bids received for Recreation Building Roof Replacement and authorizing re-bid of specifications

Resolution 2018- 327

Resolution authorizing a rate increase for Public Work Office personnel

Resolution 2018 – 328

Resolution authorizing release of Stormwater Management System 4-year Maintenance Guarantee & 10-year Inspection and Maintenance Program Guarantee, D.R. Horton, Seacrest Pines, Section 1

Resolution 2018 – 329

Resolution authorizing release of Stormwater Management System 4-year Maintenance Guarantee & 10-year Inspection and Maintenance Program Guarantee, D.R. Horton, Seacrest Pines, Section 2

Resolution 2018 – 330

Resolution authorizing release of Stormwater Management System 4-year Maintenance Guarantee & 10-year Inspection and Maintenance Program Guarantee, D.R. Horton / KHOV, Seacrest Pines, Section 3

Resolution 2018 – 331

Resolution authorizing release of Stormwater Management System 4-year Maintenance Guarantee & 10-year Inspection and Maintenance Program Guarantee, D.R. Horton / KHOV, Seacrest Pines, Section 4

Resolution 2018 – 332

Resolution authorizing the reduction of a Water System Improvement Performance Guarantee for Sea Crest pines, Section 2

Resolution 2018 – 333

Resolution authorizing the reduction of a Sanitary Sewer System Performance Guarantee for Sea Crest Pines, Section 2

Resolution 2018-334

Resolution authorizing the reduction of a Site Improvement Performance Guarantee for Sea Crest Pines, Section 2

Resolution 2018- 335

Resolution denying request for release of Performance Guarantee for Site Improvements for Barnegat Blvd North & Rose Hill Road

Resolution 2018- 336

Resolution authorizing release of Road Opening bond for 27 Pulaski Drive

Resolution 2018 – 337

Resolution authorizing a lien be placed on various properties for failure to comply with Chapter 36 violations of obnoxious growth

Resolution 2018 – 338

Resolution adopting an amended Affordable Housing Spending Plan and requesting Judicial Review of same

Resolution 2018- 339

Resolution authorizing the Tax Collector to adjust her records to discharge collecting taxes from a taxed exempt property known as Block 89.05, Lot 35

Resolution 2018 – 340

Resolution authorizing the Execution of a Shared Service Agreement with the County of Ocean Police services, “SOG”

Resolution 2018-341

Resolution appointing members of the Rent Leveling Board

Resolution 2018 – 342

Resolution accepting and authorizing execution and recording of numerous easement documents involving Ocean Acres Development, Phase 10, Block 92.16, Lots 23 & 24

Resolution 2018 – 344 Added to agenda

Resolution authorizing a change order in connection with the 2014 Bike Path Project with Kline Construction Company in the amount of \$38,232.50

Motion to Adopt Consent Agenda: A. Cirulli Second: J. Lopes

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:

- **None**

Motion to Adjourn: J. Novak

Second: A. Bille

All in favor

**Next scheduled meeting
November 13, 2018 at 10:00 a.m.**

I hereby certify that these minute have been formally approved by the Barnegat Township Committee

Municipal Clerk