

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

**TOWNSHIP COMMITTEE MEETING MINUTES  
MARCH 5, 2019, 6:30 PM**

**Call to Order the March 5, 2019 Township Committee Meeting:**

**Please silence all cell phones**

**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 the official newspapers, and by posting for public inspection on the official bulletin board, and in the office of the Municipal Clerk.

**Roll Call of Officials:**

Committeeman Bille - Present  
Committeewoman Kropf - Present  
Committeeman Pipi - Present  
Deputy Mayor Novak - Present  
Mayor Cirulli - Present

**Pledge of Allegiance:**

**Invocation: by Reverend Dawn Corlew, Waretown United Methodist Church/Barnegat Anew**

**Presentations by:**

**Rotary Club to the Barnegat Police Department**

**Veterans of Foreign Wars, Poppy Proclamation  
Multiple Sclerosis Proclamation**

The below listed resolutions, 2019-92 – 2019-96 will be enacted by one motion:

**Resolution 2019 – 92**

Resolution promoting Detective Mary Ann Cirulli to the rank of Sergeant

**Resolution 2019 – 93**

Resolution promoting Patrolman Nicholas Venuto to the rank of Sergeant

**Resolution 2019 – 94**

Resolution appointing Brandon Bloodgood as Certified Patrolman

**Resolution 2019 – 95**

Resolution appointing Keith Falkowski as Non-Certified Patrolman

**Resolution 2019 – 96**

Resolution appointing Patrick Moran as Non-Certified Patrolman

**Motion to adopt resolutions 92 - 96: J. Novak Second: A. Bille**

**Roll Call:** Committeeman Bille: Yes Committeewoman Kropf: Yes

Committeeman Pipi: Yes

Deputy Mayor Novak: Yes Mayor Cirulli: Yes Abstain 2019-92

Chief Germain, introduced all new Sergeants and Patrolman.

**Mayor to swear in Police Officers:**

**Sergeant Mary Ann Cirulli**

**Sergeant Nicholas Venuto**

**Patrolman Brandon Bloodgood**

**Patrolman Keith Falkowski**

**Patrolman Patrick Moran**

**Committee Reports:**

**J. Novak-** Talked about how proud he is of our police department and acknowledge that Barnegat was one of the top 100 safest cities in the state coming in at number 55 in the state and number 1 in the county.

**P. Pipi-** Gave a Code Enforcement report along with a DPW report.

**L. Kropf-** Talked about community safety and Water quality and gave a Water Sewer Department report.

**Al Bille-** Gave thanks to T&K Marina for donating the barge for the Fourth of July fireworks display. Discussed the Unity Tour fundraiser basketball game. He mentioned his meeting at the County with John Hesse and the positive response they received from the county. Talked about the budget and small increase and the two new taxes the governor has signed. He reminded the residents about the Fish Fry on March 8<sup>th</sup> held by the fire department and discussed recreation.

**Mayor's Report:**

**Al Cirulli-** Discussed the Vietnam Veterans Ceremony March 29<sup>th</sup> at 3pm at Watts Gazebo Park. Gave thanks to the Rotary Club, and congratulations to our new Sergeants and Patrolmen and our police department on the safe cities report. He also gave highlights of the Board of Education meeting, and talked about the opioid epidemic and the legalization of marijuana.

**PUBLIC SESSION COMMENT:**

Please feel free to speak to the Township Committee during public session.

Comments and discussion will be limited to a five (5) minute period per individual.

Each speaker must be recognized by the Mayor and clearly announce their name, address and group affiliation.

The Barnegat Township Committee appreciates and welcomes public comment, advice and suggestions intended to assist the Committee.

Your anticipated courtesy to the members of the public and the committee is greatly appreciated.

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

**Second: L. Kropf**

Diane Grockenberger, 108 Redwood Dr.- discussed the Fire Wise at Pinewood Estates on May 4<sup>th</sup> and asked if the police and fire would attend. She brought up the curb height at Barnegat 67. Also addressed the Rent Leveling Ordinance and she is highly opposed to it.

Robert Cathcart, 52 Woodchuck Drive.- Discussed his OPRA request for building calculation sheets and it denial. He mentioned he will be suing the town.

C. Dasti-Advised him of the tax appeal process and informed if he is going to file a lawsuit he is free to do so, but suggested the committee not to discuss this any further.

John Murrin, 38 Pierhead Dr.- Complimented the police department.

Ray Leszczak, 116 Redwood Dr.- Discussed the Rent Leveling ordinance.

Al Cirulli- Gave and explanation.

C. Dasti- Gave a more detailed explanation.

Lori Greenberg Esq. Brighton Attorney: Clarified ordinance about enabling language, to allow the landlord and tenant to come to an agreement, this will now allow parks negotiating ability.

James Haws, 179 Bay Shore Dr.- Brought up Route 9 and Gunning River Road flooding issue. Also asked if Bay Shore Drive was a one word or two word, because the signs are different. He discussed the debris issue due to the winds and recycling was blown all around. He suggested a community service for the kids.

Al Cirulli- Informed them its private property.

J. Hesse- informed him the town has no jurisdiction over this and DOT is aware and looking into somethings.

Mike Vintzilels-, Brick- Discussed Mayor Cirulli's stand on medical marijuana. Explained his story of heroin addiction and how medical marijuana.

Al Cirulli- Stressed this was about recreation use.

Jeffrey Oaks, 60 Pemberton Ave., Oceanport- Explained his stand on medical marijuana.

Mayor Cirulli-Once again reiterated this was not about medical marijuana.

J. Novak- Gave a response and gave kudos to Mr. Oaks for avoiding opioid addiction. And gave his own story.

Edward "Lefty" Grimes, Bayonne, NJ- Explained his story with opioids and gave his views.

Leah Bakers, Belmawr, NJ dispensary owner - Discussed the uses of medical marijuana and hopes the town would reconsider.

Wayne Berinni, Randolph, NJ- Explained how he is a medical marijuana user and discussed the costs.

John Edmunds, 137 Maple, Little Egg Harbor, NJ- Asked the committee if anyone has been to a dispensary, if they have never been there how can they vote against it?

J. Novak-Gave an explanation of the resolution and his opinion.

Mary Ellen Gervesini, 13B Opal Court- Gave thanks for putting a hold on the dispensaries.

Jeffery King, Eatontown, NJ- Feels people are missed informed and stuck on the stigma. Suggested the committee visit a dispensary.

**Motion to Close Public Session: A. Bille**

**Second: L. Kropf**

**Old Business:**

**Ordinance 2019 – 01 (Second Reading)**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 68A OF THE TOWNSHIP GENERAL CODE ENTITLED, "TOBACCO PRODUCTS, SALE OF"

WHEREAS, N.J.S.A. 2A:170-51.4 prohibits the sale or distribution of electronic smoking devices to any individuals under the age of 21, in addition to more conventional tobacco and nicotine products; and

WHEREAS, Chapter 68A of the Township Code entitled "Sale of Tobacco Products" prohibits the sale of tobacco products to minors; and

WHEREAS, the Township of Barnegat has determined that it is in the best interests of the public health, safety, and welfare of the residents of the Township of Barnegat to prohibit the use, sale, and possession of electronic smoke devices by individuals under the age of eighteen (18) in public places.

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

SECTION 1. Chapter 68A of the Township Code entitled Sale of Tobacco Products is hereby amended and supplemented as follows:

§68A-1. Prohibition of Tobacco sales to minors

A. It shall be unlawful to sell or otherwise provide an electronic smoking device, tobacco or tobacco products to a person under eighteen (18) years of age, which person shall be considered a minor for purposes of this Chapter.

B. It shall be unlawful for any person to purchase an electronic smoking device, tobacco, or tobacco product (a) with funds furnished by a minor or (b) with the intent to sell such a product to a minor.

C. Sign requirement. The following six (6) inch by eight (8) inch sign shall be posted in a conspicuous place near such cash register in all retail establishments which sell tobacco products:

“SALE OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICE TO MINORS UNDER THE AGE OF EIGHTEEN OR USE OF SUCH PRODUCTS IN A PUBLIC PLACE B MINORS IS PROHIBITED BY LAW. Legal proof of age must be shown. A person who sells or offers to sell a tobacco product or electronic smoking device to a person under eighteen (18) years of age may be prosecuted in accordance with the state and Barnegat Township Ordinances.”

D. Cigarette-Free School Zones.

(1) The Drug-Free School Zone Map adopted and referenced in Chapter 42 of the Township Code entitled “Drug-Free School Zone” is hereby amended to include “Cigarette-Free School Zone” whereby it shall be unlawful for anyone to sell, give or permit to be sold or given to a person under eighteen (18) years of age tobacco in any form or an electronic smoking device within the area on or within 1,000 feet of such school property.

(2) It shall also be unlawful for a person under eighteen (18) years of age to smoke or use a tobacco product or to possess in open view an electronic smoking device, a cigarette or tobacco product, an opened cigarette pack, opened carton or other opened container (as evidenced by a broken seal) holding a tobacco product in and/or on school property as referenced in the Cigarette-Free/Drug-Free School Zone Map.

E. It shall be unlawful for a parent, legal guardian or other person acting in place of a parent or legal guardian or person who is responsible for the care and welfare of a minor under the age of 18 years to allow that minor to possess any electronic smoking device, cigarettes made of tobacco or of any other substance which can be smoked, any cigarette paper or tobacco in any form, including but not limited to smokeless tobacco.

SECTION 2. Chapter 68A-5 of the Township Code entitled “Definitions” is amended to include the new following definition:

ELECTRONIC SMOKING DEVICE – An electronic device that can be used to deliver nicotine, cannabis, or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

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

**Motion to Open Public Comment: J. Novak**  
**Motion to Close Public Comment: A. Bille**

**Second: A. Bille**  
**Second: L. Kropf**

**Motion to adopt ordinance: A. Bille**

**Second: L. Kropf**

**Roll Call:** Committeeman Bille: Yes    Committeewoman Kropf: Yes  
                  Committeeman Pipi: Yes  
                  Deputy Mayor Novak: Yes    Mayor Cirulli: Yes

**Ordinance 2019 – 02      (Second Reading)**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK IN ACCORDANCE WITH N.J.S.A. 40A:4-45.14**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Barnegat Township Committee of the Township of Barnegat in the County of Ocean finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous years final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Barnegat Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$207,936 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Barnegat Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding year.

**NOW, THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Barnegat in the County of Ocean, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Barnegat shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased to 3.5% amounting to \$762,776 and that the CY 2019 municipal budget for the Township of Barnegat be approved and adopted in accordance with this ordinance; and



**Motion to Open Public Comment: A. Bille**  
**Motion to Close Public Comment: A. Bille**

**Second: L. Kropf**  
**Second: L. Kropf**

**Motion to adopt ordinance: A. Bille**

**Second: Pat Pipi**

**Roll Call:** Committeeman Bille: Yes    Committeewoman Kropf: Yes  
Committeeman Pipi: Yes  
Deputy Mayor Novak: No    Mayor Cirulli: Yes

**Ordinance 2019 – 04      (Second Reading)**

**AN ORDINANCE AMENDING CHAPTER 55, THE TOWNSHIP LAND USE  
CODE TO ADOPT AMENDMENTS TO THE PINELANDS COMPREHENSIVE  
MANAGEMENT PLAN**

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

SECTION 1. Purpose: The purpose of this Ordinance is to amend Chapter 55, Land Use, of the Code of the Township of Barnegat in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014 and March 5, 2018.

SECTION 2. Chapter 55, Land Use, Article II, Zoning District Regulations, Section 55-41, PA – Preservation Area Zone, is hereby amended by replacing subsection E(9)(a) in its entirety with the following:

- (a) In the Preservation Area District: Berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; agricultural employee housing as an accessory use; low intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five percent of the parcel, and no more than one percent of the parcel will be covered with impervious surfaces; and accessory uses.

SECTION 3. Chapter 55, Land Use, Article XVIII, Pinelands Commission Review and Approval of Development, Section 55-276, Development Subject to and Exempt from Pinelands Commission Review and Approval, is hereby amended by revising subsection B as follows:

- B. *Exemptions from Pinelands Commission Review.* Except as provided in paragraph C. below, the following shall not be subject to the procedures set forth in this Article:

(1)-(6) (No change.)

- (7) The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:



- (a) If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and
- (b) If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.

(8)-(10) (No change.)

(11) The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.

(12) The clearing of land solely for agricultural or horticultural purposes.

(13)-(18) (No change.)

(19) The installation of an accessory solar energy facility on any existing structure or impervious surface.

(20) The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.

(21) The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.

(22) The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

SECTION 4. Chapter 55, Land Use, Article XVIII, Pinelands Commission Review and Approval of Development, Section 55-277, Notification to and Participation of Pinelands Commission in Municipal Review Process, is hereby amended by replacing subsections A through C in their entirety with the following:

- A. *Application Submission and Modifications.* Written notification shall be given by the Township, by email or regular mail, to the Pinelands Commission within seven (7) days after a determination is made by the Township that an application for development in the Pinelands Area is complete or if a determination is made by the Township approval agency that the application has been modified. Said notice shall contain:

- (1) The name and address of the applicant;
- (2) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
- (3) A brief description of the proposed development, including uses and intensity of uses proposed;
- (4) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
- (5) The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;
- (6) The approval agency with which the application or change thereto was filed;
- (7) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports; and
- (8) The nature of the municipal approval or approvals being sought.

B. *Meetings and Hearings.* Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five (5) days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:

- (1) The name and address of the applicant;
- (2) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
- (3) The date, time and location of the meeting, hearing or other formal proceeding;
- (4) The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding;
- (5) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission; and
- (6) The purpose for which the meeting, hearing or other formal proceeding is to be held.

C. *Notice of Approvals and Denials.* The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall within five (5) days of the approval or denial give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:

- (1) The name and address of the applicant;
- (2) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
- (3) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
- (4) The date on which the approval or denial was issued by the approval agency;
- (5) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission;
- (6) Any revisions to the application not previously submitted to the Commission; and
- (7) A copy of the resolution, permit, or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.

SECTION 5. Chapter 55, Land Use, Article XIX, Standards for Development in the Pinelands Area, Section 55-291, Water Quality, is hereby amended by revising subsection B(5) as follows:

5. Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
  - (a) (No change.)
  - (b) If the proposed development is non-residential, it is located:
    - [1] In a Pinelands Regional Growth Area or Pinelands Village;  
or
    - [2] In the Pinelands Forest Area, provided that the standards of N.J.A.C. 7:50-6.84(a)5iii(2) are met.
  - (c) (No change.)

SECTION 6. Chapter 55, Land Use, Article XIX, Standards for Development in the Pinelands Area, §55-291, Water Quality, is hereby amended by revising subsection B(7) as follows:

- (7) Alternate design pilot program treatment systems, provided that:
  - (a)-(i) (No change.)
  - (j) Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2v that cannot be cancelled and is renewable and which includes a provision

requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time; and

- (k) The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in subsection 7(i) above, and grants access, with reasonable notice, to the local Board of Health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the Commission that apply to said system.
- (l) ~~No alternate design pilot program treatment system shall be installed after August 5, 2007.~~

SECTION 7. Chapter 55, Land Use, Article XX, Definitions, §55-305B, Definitions, is hereby amended by replacing or adding to subsection B the following definitions:

ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM - An individual or community on site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater and that has been approved by the Pinelands Commission for participation in the alternate design wastewater treatment systems pilot program pursuant to N.J.A.C. 7:50-10.23(b). Detailed plans and specifications for each authorized technology are available at the principal office of the Pinelands Commission.

IMMEDIATE FAMILY - Those persons related by blood or legal relationship in the following manner: spouses, domestic partners, great-grandparents, grandparents, great-grandchildren, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

SOLAR ENERGY FACILITY - A solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.

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

**Motion to Open Public Comment: A. Bille**  
**Motion to Close Public Comment: A. Bille**

**Second: J. Novak**  
**Second: L. Kropf**

**Motion to adopt ordinance: A. Bille**

**Second: J. Novak**

**Roll Call:** Committeeman Bille: Yes    Committeewoman Kropf: Yes  
                  Committeeman Pipi: Yes  
                  Deputy Mayor Novak: Yes    Mayor Cirulli: Yes

**Ordinance 2019 – 05      (Second Reading)**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 71A OF THE  
GENERAL CODE ENTITLED "VEHICLES, PARKING RESTRICTIONS IN  
RESIDENTIAL AREAS"**

**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 Committee believes that it is necessary and appropriate to amend Chapter 71A of the Township Code in order to address issues throughout the Township involving on-street parking.

**SECTION 2.** Chapter 71A, Article I, "Trucks, Trailers and Similar Vehicles and Equipment" is hereby amended and supplemented to include the following:

**71A-3.      On-street parking prohibited.**

On-street parking shall be permitted for registered commercial vehicles or pick-up trucks of a rated capacity not exceeding two (2) tons with two (2) axles and trucks, tractors, tractor trailers, trailer bodies, mobile homes, house trailers, camper trailers, bus or any similar vehicle or equipment with an overall length not exceeding twenty (20) feet or a height not exceeding nine (9) feet. In addition, no person, firm or corporation shall park on any street in the Township of Barnegat under any circumstances if it is unattached or not connected to a towing vehicle by at least one chain or cable in addition to the hitch bar of sufficient strength to hold the motor-drawn vehicle on a hill if the hitching bar becomes disconnected, ~~or provided with an adequate device to prevent its rolling backward, as required under N.J.S.A 39:4-54 for highway operation.~~

**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.

**Motion to Open Public Comment: A. Bille**  
**Motion to Close Public Comment: A. Bille**

**Second: J. Novak**  
**Second: L. Kropf**

**Motion to adopt ordinance: A. Bille**

**Second: J. Novak**

**Roll Call:** Committeeman Bille: Yes    Committeewoman Kropf: Yes  
                  Committeeman Pipi: Yes  
                  Deputy Mayor Novak: Yes    Mayor Cirulli: Yes

**Ordinance 2019 – 06      (Second Reading)**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 64 OF THE TOWNSHIP CODE ENTITLED "RENT LEVELING" SPECIFICALLY SECTION 2 ENTITLED "DETERMINATION OF RENTS"**

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Chapter 64 of the Township Code entitled "Rent Leveling" and Section 2 thereof entitled "Determination of Rents" and Subsection A thereof entitled "The Establishment of Rent Between a Landlord and Tenant to Whom This Ordinance is applicable shall hereafter be determined by the following provisions:" Be amended and supplemented to include Subsection 4 to read as follows:

**SECTION 1. §64-2A(4)    Increase By Agreement.**

Where the Landlord and the Tenants effectuate a rent increase by agreement, the agreement shall be in writing, signed by the Landlord and signed by the Tenants representing 75% plus 1 of the occupied rental units affected by the rent increase. Such rental increases by agreement shall take effect in accordance with the terms and conditions thereof and a copy of such agreement shall be filed with the Rent Leveling Board within 45 days of the execution of the document. ~~During the term of said agreement between the Landlord and Tenants, the Rent Leveling Board shall have no jurisdiction over the rent set and disputes thereof arising from the agreement.~~

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** 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 4.** This ordinance shall take effect after second reading and publication as required by law



**Mayor Cirulli relinquishes the Chair.**

**Resolution 2019 – 135**

Resolution recognizing Barnegat Township as one of the One-Hundred Safest New Jersey Cities and continuing opposition to the legalization of recreational marijuana

**Motion to Adopt Resolution: A. Cirulli**

**Second: A. Bille**

**Roll Call:** Committeeman Bille: Yes Committeewoman Kropf: Yes  
Committeeman Pipi: Yes  
Deputy Mayor Novak: Yes Mayor Cirulli: Yes

**Mayor Cirulli resumes the Chair**

**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 June 16, 2019

Approval for donation certificate be issued to PTA Lillian M. Dunfee School for their fundraising event

Approval for donation certificate be issued to Barnegat Sports Boosters, Inc. for their fundraising event

Approval for Turnkey Enterprises, LLC to place charitable clothing bins at 128 Barnegat Blvd, proceeds to benefit Lillian M. Dunfee School

**Resolution 2019 – 99**

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

**Resolution 2019 – 100**

Resolution authorizing the Tax Collector to refund Homestead Rebate, for Totally Disabled Veteran Block 92.120 Lot 31; 2 Montauk Place

**Resolution 2019 – 101**

Resolution authorizing the Tax Collector to refund property tax payment erroneously paid Block 92.117 Lot 47; 41 Newport Street

**Resolution 2019 – 102**

Resolution authorizing the Tax Collector to refund property tax payment erroneously paid Block 114.59 Lot 48; 43 Freedom Hills Drive



**Resolution 2019 – 103**

Resolution authorizing the Tax Collector to refund property tax payment erroneously paid Block 161.07 Lot 3.04; 59 Rose Hill Road

**Resolution 2019 – 104**

Resolution authorizing the Tax Collector to refund property tax payment erroneously paid Block 172 Lot 38.04; 57 Memorial Drive

**Resolution 2019 – 105**

Resolution authorizing the Tax Collector to refund property tax payment erroneously paid Block 114.28 Lot 12; 10 Starboard Avenue

**Resolution 2019 – 106**

Resolution authorizing the Tax Collector to refund property tax payment erroneously paid Block 92.64 Lot 4; 25 Avalon Avenue

**Resolution 2019 – 107**

Resolution authorizing the Tax Collector to refund property tax payment erroneously paid Block 92.22 Lot 11; 53 Tina Way

**Resolution 2019 – 108**

Resolution authorizing the Tax Collector to refund property tax payment erroneously paid Block 92.83 Lot 8; 13 Tradewinds Avenue

**Resolution 2019 – 109**

Resolution authorizing the Tax Collector to refund property tax payment erroneously paid Block 95.40 Lot 60; 32 Shady Stream Road

**Resolution 2019 – 110**

Resolution establishing Sick Leave Act Policy and Terms

**Resolution 2019 -111** Not used

**Resolution 2019 – 112**

Resolution authorizing the advertisement of Crossing Guard positions

**Resolution 2019 – 113**

Resolution appointing personnel to the Recreation Department

**Resolution 2019 – 114**

Resolution authorizing the execution of contract with Impact Technology Solutions, LLC for the Municipal Court in an amount not to exceed \$1,140.00

**Resolution 2019 – 115** Not used

**Resolution 2019 – 116**

Resolution awarding 2019 laboratory services to J. R. Henderson Labs in an amount not to exceed \$16,000.00

**Resolution 2019 – 117**

Resolution authorizing acceptance of JCP&L agreement for installation of Electric Distribution Facilities for the new Public Works Facility in an amount not to exceed \$28,048.53

**Resolution 2019 – 118**

Resolution authorizing acceptance of a sidewalk easement from D. R. Horton, Inc. for Block 92.56 Lot 7; David Drive

**Resolution 2019 – 119**

Resolution authorizing contractors pay estimate #1, Final, to Roof Management Inc., for the Recreation Building Roof Replacement project in the amount of \$42,940.00

**Resolution 2019 – 120**

Resolution authorizing the execution of Emergency management Agency Assistance Grant (EMAA) in the total amount of \$20,000.00

**Resolution 2019 – 121**

Resolution authorizing the refund of Escrow Deposits to K. Hovnanian Shore Acquisitions, LLC, Minor Site Plan sign, PB 07-08

**Resolution 2019 – 122**

Resolution authorizing the refund of Escrow Deposits to Frank Ernest, the Garden Market PB 18-02

**Resolution 2019 – 123**

Resolution authorizing the refund of Escrow Deposits to Frank Ernest, Informal Review, PB 18-08

**Resolution 2019 – 124**

Resolution authorizing the refund of Escrow Deposits for Laurel Oaks Family Apartments, LLC, ZB 11-03

**Resolution 2019 – 125**

Resolution authorizing the refund of Escrow Deposits to Horizons at Barnegat HOA, Patio Alterations, PB 18-01

**Resolution 2019 – 126**

Resolution authorizing the refund of Escrow Deposits to Mignatti Companies, Heritage Point South, PB 96-24

**Resolution 2019 – 127**

Resolution authorizing the release of a Performance Guarantee and accepting the posting of a Maintenance Bond for Seacrest Pines Entrance area

**Resolution 2019 – 128**

Resolution authorizing the release of a Monument Bond for Heritage Point North, Sections 3B and 3C

**Resolution 2019 – 129**

Resolution authorizing the release of a Monument Bond for Heritage Point North, Sections 6A and 6B

**Resolution 2019 – 130**

Resolution authorizing the release of a Monument Bond for Heritage Point North, Sections 7A

**Resolution 2019 – 131**

Resolution certifying the amount of Recycling Tax paid for 2018

**Resolution 2019 – 132**

Resolution authorizing the Recycling Coordinator to file the 2018 Recycling Tonnage Grant to the NJDEP

**Resolution 2019 – 133**

Resolution authorizing Condo Services reimbursements

**Resolution 2019 -134**

Resolution supporting NJDOT Traffic Regulation Order as relates to regulation of all existing bus stops in the Township

**Resolution 2019 – 136**

Resolution authorizing contractors pay estimate #1 to Wilkinson & Sons Construction, Inc., for the New Public Works Facility project in the amount of \$46,142.32

**Motion to Adopt Consent Agenda: J. Novak                      Second: P. Pipi**

**Roll Call:**                      Committeeman Bille: Abstain- 2019-126,128,129,130  
   Committeewoman Kropf:      Committeeman Pipi:  
   Deputy Mayor Novak:        Mayor Cirulli:

**Items of discussion by the Township Committee Members:**

None

**Resolution 2019 - 137**

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

**Motion to adopt resolution: J. Novak                      Second: L. Kropf**

**Roll Call:**                      Committeeman Bille: Yes      Committeewoman Kropf:      Yes  
   Committeeman Pipi: Yes  
   Deputy Mayor Novak: Yes        Mayor Cirulli: Yes

**Motion to Adjourn: J. Novak                      Second: A. Bille**

**Motion carried**

**Next scheduled meeting  
April 2, 2019 at 10:00 AM**

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

  
\_\_\_\_\_  
Municipal Clerk