

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

TOWNSHIP COMMITTEE MEETING AGENDA
October 3, 2023, 10:00 AM.

Call to Order the October 3, 2023 Township Committee Meeting:

Provisions of the Open Public Meetings Law:

Pursuant to the requirements of the *Open Public Meetings Law*, adequate Public Notice of this meeting has been given: by publication of the date, time and location in the official newspapers, and by posting on the official bulletin board, and in the office of the Municipal Clerk for public inspection.

Pledge of Allegiance:

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

Roll Call of Officials:

Committeeman Bille -
Committeeman Cirulli -
Committeeman Farmer -
Deputy Mayor Marte-
Mayor Pipi -

PRESENTATION OF PROCLAMATION TO COURTNEY NIEDDU FOR THE
NATIONAL FRIENDS OF LIBRARY WEEK

Committee Reports: Farmer, Cirulli, Marte, Bille,

Mayor's Report

Public Session Comment:

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

Motion to Open Public Session:

Second:

Motion to Close Public Session:

Second:

Formal Action:

Resolution 2023-329

Resolution authorizing payment of Bill List in the amount of \$7,868,393.32

Motion to adopt resolution:

Second:

Roll Call:

Committeeman Bille:

Committeeman Cirulli:

Committeeman Farmer:

Deputy Mayor Marte:

Mayor Pipi:

Unfinished Business

Ordinance 2023-27

(Second Reading)

An Ordinance establishing certain salaries of certain officers and employees of the Township of Barnegat repealing any and all other Ordinances inconsistent herewith

Motion to open Public Comment:

Second:

Motion to close Public Comment:

Second:

Motion to adopt ordinance:

Second:

Roll Call:

Committeeman Bille:

Committeeman Cirulli:

Committeeman Farmer:

Deputy Mayor Marte:

Mayor Pipi:

Ordinance 2023-28

(Second Reading)

An Ordinance Establishing Chapter 3A of the Township Code Entitled "Information Technology Director"

Motion to open Public Comment:

Second:

Motion to close Public Comment:

Second:

Motion to adopt ordinance:

Second:

Roll Call:

Committeeman Bille:

Committeeman Cirulli:

Committeeman Farmer:

Deputy Mayor Marte:

Mayor Pipi:

Ordinance 2023-29 (Second Reading)
An Ordinance Establishing Chapter 70I of the Township Code Entitled
"Privately Owned Salt Storage"

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

Motion to adopt ordinance: Second:

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

New Business:

Approval of the Township Committee minutes from the September 5, 2023 meeting

Motion to adopt minutes: Second:

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

Ordinance 2023-30 (First Reading)
An Ordinance repealing Chapter 73 of the Township Code, Entitled, "Vending Machines"

Motion to introduce ordinance: Second:

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

Consent Agenda:

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

Approval of On Premise 50/50 Raffle to Horizon's at Barnegat Women's Club on 11/6/23-1/8/24-2/15/24-3/4/24-4/1/24-5/6/24-6/13/24-9/9/24-10/7/24-12/2/21

Approval of Calendar Raffle for St. Mary's Church for each Wednesday of the 2024 Calendar year

Approval of a Social Affairs Permit to the Barnegat Township PBA 296 Civic Association for annual Hoofys Fall Fest on October 21, 2023 from 10:00 am to 10:00 pm at 382 North Main Street (*Barnegat Edwards Field*)

Approval of Limited Brewery Off-Premise Event Permit to Forgotten Boardwalk Brewing LLC on October 27th from 3:00 to 10:00 pm at 483 East Bay Avenue

Approval of Block Party for 8 Amelia Court on October 7, 2023 from 2:00 pm to 7:00 pm

Resolution 2023-330

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

Resolution 2023-331

Resolution authorizing the issuance of a duplicate Tax Sale Certificate pursuant to NJSA 54:5-52.1 to Empire Tax Fund III LLC which certificate is dated 5/11/11 covering premises commonly known and referred to as Block 54 Lot 9

Resolution 2023-332

Authorizing Tax Collector to reimburse Lien Holder for Certificate erroneously sold at tax sale for Block 208.01, Lot 89, 254 Bay Shore Drive

Resolution 2023-333

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran for 2023 taxes paid with no future billing on Block 114.20 Lot 7; 10 Midship Drive

Resolution 2023-334

Resolution authorizing the Tax Collector to refund CJB Vacant Properties LLC, Block 253, Lot 16.01; 98 Water Street based on a successful County Board Judgement

Resolution 2023-335

Resolution authorizing the refunds of Unit Reimbursement Overpayments for Off-Site Water, Sewer and Pressure Improvements for Block 108, Lot 10; 16 Second Street

Resolution 2023-336

Resolution authorizing the Municipal Clerk to refund payment of \$500.00 erroneously paid for by the land owner of 29 Eighth Street for Sewer Tap Inspection Fee

Resolution 2023-337

Resolution authorizing Payment #2 to Shore Connection Inc. in the amount of \$242,247.18 for the 2022 Sanitary Sewer Capital Improvement Project

Resolution 2023-338

Resolution authorizing the Affordable Housing Planner to implement the Home Improvement Program and Rehabilitation Program

Resolution 2023-339

Resolution opposing Mask and Covid 19 Vaccine Mandates implemented by the Governor and the State of New Jersey

Resolution 2023-340

Resolution authorizing the Municipal Clerk to advertise for RFP Professional Services for the year 2024

Resolution 2023-341

Resolution authorizing the Township to ask for an extension for the NJDOT Grant for Spruce Circle North and South, paving project

Resolution 2023-342

Authorizing Tax Collector to refund payment erroneously paid for parcel known as Block 208.09, Lot 1.02 Qual C; 35 Caribbean Court

Resolution 2023-343

Resolution granting Final Sewer Facilities approval to Barnegat Terrace LLC for Block 162.01, Lot 1.22; 702 Barnegat Blvd North,

Resolution 2023-344

Resolution granting Final Water Facilities approval to Barnegat Terrace LLC for Block 162.01, Lot 1.22; 702 Barnegat Blvd North,

Resolution 2023-345

Resolution authorizing Release of the Performance Guarantee #4-082-033 for Site Improvements for Ocean Acres, Phase 8 subject to posting a two-year Maintenance guarantee in the amount of \$390,911.25

Resolution 2023-346

Resolution Denying request to release Sanitary Sewer Improvements system Performance Guarantee for Ocean Acres, Phase 8

Resolution 2023-347

Resolution Denying request to release Water Improvements System Performance Guarantee for Ocean Acres, Phase 8

Resolution 2023-348

Resolution authorizing Release of the Performance Guarantee #PB00459500018 for Site Improvements for Ocean Acres, Phase 9 subject to posting a two-year Maintenance guarantee in the amount of \$178,637.85

Resolution 2023-349

Resolution authorizing Release of the Performance Guarantee for Sanitary Sewer Improvements for Ocean Acres, Phase 9 subject to posting a two-year Maintenance guarantee in the amount of \$43,407.00

Resolution 2023-350

Resolution authorizing Release of the Performance Guarantee for Water System Improvements for Ocean Acres, Phase 9 subject to posting a two-year Maintenance guarantee in the amount of \$32,691.00

Resolution 2023-351

Resolution Denying request to Release Performance Guarantee for Site Improvements for Ocean Acres, Phase 10

Resolution 2023-352

Resolution Denying request to Release Performance Guarantee for Sanitary Sewer Improvements for Ocean Acres, Phase 10

Resolution 2023-353

Resolution Denying request to Release Performance Guarantee for Water System Improvements for Ocean Acres, Phase 10

Resolution 2023-354

Resolution denying request to Release Performance Guarantee for Site Improvements for Ocean Acres, Phase 11

Resolution 2023-355

Resolution denying request to Release Performance Guarantee for Sanitary Sewer Improvements for Ocean Acres, Phase 11

Resolution 2023-356

Resolution denying request to Release Performance Guarantee for Water System Improvements for Ocean Acres, Phase 11

Resolution 2023-357

Resolution denying request to Release Performance Guarantee for Site Improvements for Ocean Acres, Phase 15

Resolution 2023-358

Resolution denying request to Release Performance Guarantee for Sanitary Sewer Improvements for Ocean Acres, Phase 15

Resolution 2023-359

Resolution denying request to Release Performance Guarantee for Water System Improvements for Ocean Acres, Phase 15

Resolution 2023-360

Resolution authorizing the release of Performance Guarantee to Shore Sand and Gravel and posting a new Performance Guarantee for Route 72 Sand Mine LLC for property known as 560 Route 72

Resolution 2023-361

Resolution approving the purchase of Envirosite Sewer Camera, including the VC500 Controller, Vision Reporting Software, 1000 FT Cable Reel and Wireless Controller from Jet Vac LLC, P.O. Box 772849, Detroit, MI 48277-2849 for \$118,334.72.00 through Sourcewell contract #120721-EVS

Resolution 2023-362

Authorizing the execution of a Shared Service agreement for the FY 2023/2024 with the Ocean County Prosecutor’s Office known as Driving While Intoxicated Enforcement Program (DWIEP) for the term October 1, 2023 to September 30, 2024

Resolution 2023-363

Resolution authorizing the execution of Shared Service agreement for the FY 2023/2024 with the Ocean County Prosecutors Office for the Drug Recognition Expert Callout Program (DRECP), for the term October 1, 2023 to September 30, 2024

Resolution 2023-364

Resolution authorizing the Shared Service agreement for the FY 2023/2024 with the Ocean County Prosecutors Office for the Move Over Law Enforcement Program (MOLEP), for the term October 1, 2023 to September 30, 2024

Motion to adopt Consent Agenda:

Second:

Roll Call:

Committeeman Bille:

Committeeman Cirulli:

Committeeman Farmer:

Deputy Mayor Marte:

Mayor Pipi:

Resolution 2023-365

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

Motion to adopt resolution:

Second:

Roll Call:

Committeeman Bille:

Committeeman Cirulli:

Committeeman Farmer:

Deputy Mayor Marte:

Mayor Pipi:

Motion to Adjourn:

Second:

Time _____

**Next scheduled meeting
November 9, 2023 @ 6:30 PM
(Meeting on Thursday due to General Election)**

2023-329

BILL LIST FOR OCTOBER 2023

ORDINANCE 2023-27

“AMENDING AN ORDINANCE ESTABLISHING CERTAIN SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BARNEGAT, IN THE COUNTY OF OCEAN, AND STATE OF NEW JERSEY AND REPEALING ANY AND ALL OTHER ORDINANCES INCONSISTENT HEREWITH”

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

SECTION I. The annual base salary and base hourly wage compensation range for all officers and employees of the Township of Barnegat are established as set forth in "Schedule A" attached hereto, and the Township Chief Financial Officer is hereby authorized to transfer such sums as may be necessary to cover such payrolls authorized herein and by labor contracts or resolution by the Township Committee:

SECTION II. This ordinance amends the previous ordinance 2022-23 which was adopted on December 6, 2022.

SECTION III. This ordinance shall become effective upon final passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced on first reading at a regular meeting of the Township Committee of Barnegat Township, Ocean County, on the **5th day of September 2023** and will be considered for final passage after public hearing at a regular meeting of said Committee to be held on the **3rd day of October 2023 at 10:00 A.M.**, in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey at which time and place any person desiring to be heard will be given an opportunity to be so heard.


Donna Manno, RMC
Municipal Clerk

SCHEDULE A

TITLE	SALARY RANGE
COMMITTEE	
Mayor	\$9,500-\$10,000.
Deputy Mayor	\$9,500-\$9,750.
Committee Member Mayor	\$9,000-\$9,750.
ADMINISTRATION	
Administrative Assistant	\$ 5,000. - 65,000
Administrative Assistant to the Planning/Zoning Board Administrator	\$ 25,000. - 75,000.
Administrative Assistant to the Zoning Officer	\$ 25,000. - 75,000.
Administrator	\$ 75,000. - 240,000.
Assistant to Township Administrator	\$ 5,000. - 15,000.
Confidential Clerk Typist/Secretary	\$15,000. - 65,000.
Planning/Zoning Administrator	\$ 40,000. - 95,000.
Planning/Zoning Board Secretary	\$ 18,000. - 75,000.
Zoning Officer	\$ 12,000. - 22,500.
Code Enforcement Official	\$ 17,000. - 90,000.
Shared Service Coordinators	\$ 5,000. - 20,000.
Clerk Typist Full Time	\$ 14,000. - 55,000.
Code Enforcement Officer - Part time	Min. Wage - 25.00/hour
CLERK	
Municipal Clerk	\$ 55,000. - 120,000.
Deputy Municipal Clerk	\$ 34,000. - 75,000.
Clerk Typist (part time) various departments	Min. Wage - 16.90
Registrar of Vital Statistics	\$ 3,500. - 9,000.
Deputy Registrar of Vital Statistics	\$ 1,500. - 5,000.
Alternate Deputy Registrar	\$1,200.00

FINANCE	
Chief Financial Officer	\$ 65,000. - 195,000.
Deputy Treasurer/CFO	\$ 50,000 – 80,000
Assistant to the Treasurer	\$ 30,000. - 70,000.
Payroll Coordinator	\$ 25,000. - 75,000.
Health Benefits/ACA Coordinator	\$5,000 - \$12,000

ASSESSOR	
Assistant to the Assessor	\$ 18,000. - 75,000.
Deputy Tax Assessor	\$ 20,000. - 75,000.
Field Inspector (full time)	\$ 14,000. - 60,000.
Field Inspector (part time)	\$ 14.00 - 19. per hour
Municipal Tax Assessor	\$ 50,000. - 110,000.
Principal Assessing Clerk	\$ 16,000. - 70,000.

RECREATION	
Assistant Recreation Director	\$ 15,500. - 55,000.
Assistant Recreation Director Part time	Min. Wage - 20.00/hour
Lifeguard	Min. Wage – 20.00/hour
Recreational Aide	Min. Wage – 20.00/hour
Program Director	Min. Wage – 50.00/hour
Bus Driver	Min. Wage – 20.00/hour
Public Relations/Community Service Director	\$ 3,500. - 6,000.
Recreation Director (through Shared Service)	\$ 20,000. - 75,000.
Recreation Instructor	Min. Wage - 27.00/hour
Recreation Specialist - Special Needs Programs	\$ 15.00 - 30.00/hour
Seasonal Staff -Dock, Farmers Market, Special events	Min. Wage - 16.00/hour
Special Events Program Coordinator	Min. Wage - 60.00/hour
TAX COLLECTOR	
Tax Collector	\$ 60,000. - 110,000.
Assistant to the Tax Collector	\$ 15,000. - 65,000.
Deputy Tax Collector	\$ 25,000. - 65,000.
Senior Tax Clerk	\$ 25,000. - 60,000.
Tax Clerk	\$ 20,000. - 55,000.
Tax Search Officer	\$ 3,000. - 6,500.

COURT	
Municipal Court Judge	\$ 25,000. - 60,000.
Deputy Municipal Court Administrator	\$ 25,000. - 65,000.
Municipal Court Administrator	\$ 30,000. - 100,000.
Violations Clerk	\$ 25,000. - 60,000.
Clerk Typist	\$14.00 -\$17.00/hour

CONSTRUCTION	
Building Inspector	\$ 45,000. - 115,000.
Building Inspector (part time)	\$ 25.00 - 55.00 per hour
Building Sub Code Official	\$ 47,000. - 110,000.
Construction Code Official	\$ 70,000. - 135,000.
Electrical Inspector	\$ 45,000. - 115,000.
Electrical Sub Code Official	\$ 45,000. - 115,000.
Fire Inspector	\$ 45,000. - 115,000.
Fire Sub Code Official	\$ 45,000. - 115,000.
Plumbing Inspector	\$ 45,000. - 115,000.
Plumbing Sub Code Official	\$ 45,000. - 115,000.
Technical Assistant to the Construction Official	\$ 25,000. - 85,000.

POLICE	
Chief of Police	\$ 160,000. - 285,000.
Captain	\$ 155,000. - 240,000.
Crossing Guards	Min. Wage - 15/hour
Detective 1st Grade	\$105,000. - 170,000.
Dispatcher I Full time	\$ 13.00 - 40.00/hour
Dispatcher I Part time	Min. Wage - 27.00/hour
Lieutenant	\$150,000. - 235,000.
Sergeant	\$120,000. - 200,000
Patrolman - Non-Certified	\$ 48,000. - 75,000.
Patrolman - Certified	\$ 51,500. - 85,000.
Patrolman after 12 months	\$ 64,000. - 95,000.
Patrolman after 24 months	\$ 70,000. - 105,000.
Patrolman after 36 months	\$ 85,000. - 115,500.
Patrolman after 48 months	\$ 92,000. - 140,000.
Patrolman after 60 months	\$ 100,000. - 155,000.

Corporal	\$105,000-175,000
Police Service Representative	\$15.00/hour
Chief's Administrative Aide/Confidential Aide	\$30,000-\$60,000
Part-Time Confidential Records Clerk	\$25.00-\$30.00/hour
Records Clerk Full time	\$ 14.00 - 25.00/hour
Records Clerk Part time	Min. Wage - 15.50/hour

PUBLIC WORKS	
Buildings & Grounds Foreman	\$ 50,000. - 115,000.
Buildings & Grounds Maintenance	Min. Wage - 20.00/hour
Chief Mechanic	\$ 14.00 - 35.00/hour
Custodian	\$19.00-22.00/hour
Driver Full time	Min. Wage – 35.00/hour
Equipment Operator	Min. Wage - 40.00/hour
Foreman/Assistant Public Works Coordinator	\$ 40,000. - 110,000.
Heavy Equipment Operator	Min. Wage - 36.00/hour
Jet Vac/Street Sweeper Operator	Min Wage – 36.00/hour
Laborer Full Time	Min. Wage – 30.00/hour
Laborer Part Time	Min. Wage - 20.00/hour
Mechanic	Min. Wage – 35.00/hour
Public Works Coordinator	\$ 40,000. - 88,000.
Public Works Superintendent/Director	\$ 45,000. - 127,500.
Roads Foreman	\$ 35,000. - 85,000.
Seasonal Employees	Min. Wage - 17.00/hour
Shade Tree Commission Coordinator/Laborer	\$52.00/hour
Solid Waste/Recycling Foreman	\$ 18,000. - 65,000.

ENGINEERING	
Township Engineer	\$ 140,000. - 165,000.
INFORMATION TECHNOLOGY	
Director of Information Technologies	\$140,0000 – 200,000

WATER & SEWER	
Administrative Assistant - Water/Sewer Utility	\$ 24,000. - 65,000.
Licensed Plumber/Water-Sewer maintenance person	\$ 15.50 - 35.00/hour
Mosquito Sprayer Operator	O/T Rate
Utility Laborer	\$22.00 - 35.00/hour
Utility Meter Tech	\$23.00 – 35.00/hour
Senior Maintenance	\$25.00 - 40.00/hour
Senior Meter Tech	\$25.00 - 35.00/hour
Utility Foreman/Lead Operator	\$32.00 – 60.00/hour
Utility Maintenance	Min. Wage – 45.00/hour
Utility Manager	\$ 50,000. - 140,000.
Utility Supervisor	\$ 40,000 – 70,000.

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing ordinance, namely Ordinance 2023- 27 entitled "Amending An Ordinance Establishing Certain Salaries of Certain Officers and Employees of the Township of Barnegat in the County of Ocean in the State of New Jersey and repealing any and all Other Ordinances Inconsistent Herewith" was introduced and passed on first reading at a meeting held on the **5th day of September 2023**, and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the **3rd day of October 2023 at 10:00 AM** at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

Donna Manno, RMC
Municipal Clerk

ORDINANCE NO. 2023-28

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY ESTABLISHING CHAPTER 3A OF
THE TOWNSHIP CODE ENTITLED
“INFORMATION TECHNOLOGY DIRECTOR”**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 3A of the Township Code entitled “Information Technology Director” is hereby established and shall read as follows:

SECTION 1.

Chapter 3A Information Technology Director

3A-1. Creation of position.

It is hereby established within the Township of Barnegat the position of Information Technology Director. The Information Technology Director is a full time Township employee and is hired by the Township Committee.

3A-2. Duties and responsibilities.

The Information Technology Director shall be responsible to/for:

- a. Lead the Information Technologies Department, operational and strategic planning, including fostering innovation, planning projects, and organizing and negotiating the allocation of resources.
- b. Manage the deployment, monitoring, maintenance, development, upgrade, and support of all information technology systems,

including the servers, personal computers, operating systems, hardware, software, peripherals and phone system.

- c. Benchmark, utilize, report on, and make recommendations for the improvement and growth of the IT infrastructure and IT systems.
- d. Provision of end-user services, including the help desk and technical support.
- e. Work with department heads to define Township business and system requirements for new technology implementations.
- f. Direct research on potential solutions in support of procurement efforts.
- g. Keep current with the latest technologies.
- h. Develop business case justification and cost/benefit analysis for IT spending and initiatives.
- i. Approve and oversee IT projects and project portfolio.
- j. Develop and implement all IT policies and procedures, including those for architecture, security, disaster recovery, standards, purchasing, and service provision.
- k. Practice asset management for IT hardware, software, and equipment.
- l. Establish and maintain regular written and in-person communications with the Township Administrator, department heads, and users regarding pertinent IT activities.

- m. Development and maintain audio and visual systems to live stream, record and archive Township meetings on Township website.
- n. Maintain the Township website.

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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **5 day of September, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **3rd day of October 2023, at 10:00 AM** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


DONNA M. MANNO, RMC
Municipal Clerk

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

609-549-8990
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DastiLaw.com

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

*Also admitted in NY

File No.: GL-2043

August 4, 2023

Via Email

Mayor Pasquale Pipi
Joseph Marte, Deputy Mayor
Al Bille, Committeeman
Alfonso Cirulli, Committeeman
Bill Farmer, Committeeman
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Ordinance Establishing Chapter 3A of the Township Code Entitled
“Information Technology Director”**

Dear Mayor and Members of the Township Committee:

Attached is a proposed ordinance creating the position of Director of Information Technologies. I did not put a salary provision or benefits in there, as I understand it, that will be negotiated semi-annually.

If you have any questions, please contact us.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Donna M. Manno, Township Clerk-via email

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing ordinance, namely **Ordinance 2023- 28** entitled "Establishing Chapter 3A of the Township Code, Entitled "Information Technology Director" was introduced and passed on first reading at a meeting held on the **5th day of September 2023**, and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the **3rd day of October 2023 at 10:00 AM** at the Municipal Complex, 900 West Bay Avenue Barnegat, New Jersey.

Donna Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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

ORDINANCE NO. 2023-29

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY ESTABLISHING CHAPTER 70I OF
THE TOWNSHIP CODE ENTITLED
“PRIVATELY OWNED SALT STORAGE”**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 70I of the Township Code entitled “Privately Owned Salt Storage” is hereby established and shall read as follows:

SECTION 1.

Chapter 70I Privately Owned Salt Storage.

A. Purpose.

The purpose of this ordinance is to prevent storage of salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for storage of salt and other solid de-icing materials on property that is not owned or operated by the Township of Barnegat, including residences, to protect the environment, public health, safety, and welfare and to prescribe penalties for violation of the ordinance.

B. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. **De-icing Materials.** Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
2. **Impervious Surface.** A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

3. **Storm Drain Inlet.** The point of entry into the storm sewer system.
4. **Permanent Structure.** A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).
 - a. A fabric frame structure is a permanent structure if it meets the following specifications:
 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
5. **Person.** Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
6. **Resident.** A person who resides on a residential property where de-icing material is stored.

C. De-icing Material Storage Requirements.

1. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

- a. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
- b. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
- c. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
- d. Loose materials shall be covered as follows:
 1. The cover shall be waterproof, impermeable, and flexible;
 2. The cover shall extend to the base of the pile(s);
 3. The cover shall be free from holes or tears;
 4. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 5. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - i. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 - ii. Containers must be sealed when not in use; and
 - iii. The site shall be free of all de-icing materials between April 16th and October 14th.

DASTI & STAIGER

ATTORNEYS AT LAW

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

- e. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- f. Any temporary or permanent de-icing structure shall comply with all other Township ordinances for accessory structures including the zoning and building regulations.
- g. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
 - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

D. Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another New Jersey Pollution Discharge Elimination System (NJPDES) permit.

DASTI STAIGER

ATTORNEYS AT LAW

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

E. Enforcement.

This Chapter shall be enforced by the Barnegat Township Police Department, the Zoning and Code Enforcement Department, and/or their designees.

F. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeated violations and/or failure to complete the corrective action shall result in fines for any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed one hundred fifty dollars (\$150.) for each offense. Each day a violation occurs it will be a separate and distinct violation.

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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **5th day of September, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **3rd day of October, 2023, at 10:00 AM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



Donna M. Manno, RMC
Municipal Clerk

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing ordinance, namely **Ordinance 2023- 29** entitled "Establishing Chapter 70I of the Township Code, Entitled "Privately Owned Salt Storage" was introduced and passed on first reading at a meeting held on the **5th day of September 2023**, and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the **3rd day of October 2023 at 10:00 AM** at the Municipal Complex, 900 West Bay Avenue Barnegat, New Jersey.

Donna Manno, RMC
Municipal Clerk

ORDINANCE NO. 2023-30

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY REPEALING CHAPTER 73 OF THE
TOWNSHIP CODE ENTITLED
“VENDING MACHINES”**

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

SECTION 1. Chapter 73 of the Township Code entitled “Vending Machines” is hereby repealed in its entirety.

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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 3rd day of October, 2023, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 9th day of November, 2023, at 6:30 PM. at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

DONNA M. MANNO, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

☎ 609-549-8990
☎ 609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2043

September 8, 2023

Via Email

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

Re: Ordinance Repealing Chapter 73 of the Township Code Entitled “Vending Machines”

Dear Donna:

Enclosed please find proposed ordinance repealing Chapter 73 of the Township Code. It can be placed on the agenda for the next Township Committee meeting.

If you have any questions, please contact us.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email

RESOLUTION 2023-330

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

WHEREAS, premiums were paid on Tax Sale Certificates; and

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

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

Block 225	Lot 1;	89 Frost Road	Block 114.17	Lot 38;	39 Windward Dr
Block 222	Lot 8;	51 Frost Road	Block 208	Lot 47;	51 Water St
Block 222	Lot 7;	53 Frost Road	Block 114.48	Lot 31;	33 Cannonball Dr
Block 114.38	Lot 4;	37 Georgetown Blvd	Block 114.44	Lot 9;	8 Cobblestone Ct
Block 92.36	Lot 31;	46 Watts Ave	Block 114.22	Lot 1;	1 Mast Dr
Block 114.05	Lot 1;	102 Barnegat Blvd	Block 256	Lot 8;	663 East Bay Ave
Block 107	Lot 1;	952 West Bay Ave	Block 114.14	Lot 79;	5 Commodore Ct
Block 114.02	Lot 14;	10 Bayside Ave	Block 114.32	Lot 16;	111 Schooner Ave
Block 95.31	Lot 7;	2 Breeze Terrace	Block 114.16	Lot 19;	6 Mizzen Dr
Block 114.30	Lot 4;	81 Schooner Ave	Block 114.26	Lot 115;	17 Lexington Blvd
Block 93.20	Lot 93;	138 Mission Way	Block 114.14	Lot 68;	20 Commodore Ct
Block 116.07	Lot 22;	65 Deer Run Dr S.	Block 114.21	Lot 11;	18 Mast Dr
Block 95.36	Lot 11;	27 Pondview Circle	Block 114.43	Lot 5;	6 Powderhorn Dr
Block 265	Lot 3;	26 South Main St	Block 174.08	Lot 3;	25 Hillside Ave
Block 195	Lot 1;	135 South Main St	Block 161.10	Lot 17.12;	44 Benjamin Ct
Block 114.13	Lot 1;	75 Bowline St	Block 114.36	Lot 18;	169 Schooner Ave
Block 95.44	Lot 58;	10 Whitecaps Terr	Block 114.19	Lot 7;	13 Nautilus Ave
Block 114.70	Lot 8;	16 Tedesco Way	Block 114.14	Lot 72;	19 Commodore Ct
Block 116.19	Lot 18;	8 Maplewood Ct	Block 114.53	Lot 5;	7 Potomac Ave
Block 116.26	Lot 5;	9 Aspen Cir	Block 114.37	Lot 34;	34 Georgetown Blvd
Block 114.27	Lot 4;	156 Village Dr			

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat New Jersey on October 3, 2023.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2023-331

RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO N.J.S.A. 54:5-52.1

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Empire Tax Fund III LLC which certificate is dated 5/11/11 covering premises commonly known and referred to as Block 54 in Lot 9 as set out on the municipal tax map then in use which certificate bears number 11-00004

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Mayor and Governing Body of the Municipality of Barnegat that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1977.

BE IT FURTHER RESOLVED, that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

CERTIFICATION

I, Donna M Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on October 3, 2023

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2023-332

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING TAX COLLECTOR TO REIMBURSE LIEN HOLDER
FOR CERTIFICATE ERRONEOUSLY SOLD
AT TAX SALE**

WHEREAS, Block 208.01 Lot 89 property known as 254 Bay Shore Dr, had been struck off at the Tax Sale held on 11/18/21 to an Outside Lien Holder known as Alpha Tax Lien Group for outstanding 2020 miscellaneous charges in the amount of \$1,722.79 at 0% and

WHEREAS, the Tax Collector has provided information that there was an open municipal lien and this was sold in error, and

WHEREAS, the certificate #21-00102 must be voided and the Lien holder be refunded his/her money paid at tax sale and any subsequent tax paid at the municipal rate as follows:

Alpha Tax Lien Group	\$1,689.01 Paid 11/18/21
130 First Street, Suite 204	\$ 12.00 Search
Lakewood NJ 08701	\$ 33.78 Interest
	\$1,734.79 Total Refund

THEREFORE, BE IT RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,734.79 to the Lien Holder stated above, and the Collector to adjust her records accordingly.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on October 3, 2023

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2023-333

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
CANCELING TAXES AND AUTHORIZING A REFUND
PURSUANT TO N.J.S.A.54:4-3.32**

WHEREAS, the following Homeowner was eligible to receive the Totally Disabled Veterans Property Tax Exemption,

WHEREAS, pursuant to N.J.S.A. 54:4-3.32 the Township Committee has the authority to cancel charges for the Totally Disabled Veterans Tax Exemption for 2022 taxes, when a N.J.S.A. 54:4-3.30 Certification of Assessment Credit for Exemption has been granted, and

WHEREAS, in this case the Tax Collector deems that the Homeowner should receive a refund on his taxes paid for the year 2023 since they are Totally Exempt a will have no future billings

<u>Block/Lot</u>	<u>Homeowner</u>	<u>Date Exempt</u>	<u>2023 Taxes Canceled</u>	<u>Refund</u>
114.20/7	Ismael Vazquez-Romero 10 Midship Dr Barnegat, NJ 08005	1/1/23	\$5,854.02	\$4,343.26

THEREFORE BE IT RESOLVED by the Township Committee, County of Ocean, State of New Jersey, do hereby authorize a Veteran's property tax exemption discharge of debt for the 2023 taxes, and refund be issued to Core Logic for \$4,343.26 as referenced.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on October 3, 2023

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2023-334

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING A REFUND BASED ON A SUCCESSFUL COUNTY BOARD
JUDGEMENT**

WHEREAS, CJB Vacant Properties LLC, Block 253 Lot 16.01, 98 Water Street has filed an appeal against his/her assessment, and was successful at the appeal process, which granted a reduction of assessment for 2023, and

WHEREAS, the Property owner has requested a refund of overpayment sitting on the 2023/4Q based on the County Board Judgment and,

THEREFORE BE IT RESOLVED, by the Township Committee that the credit in the amount of \$860.14 for 2023, be refunded to the following, and the Tax Collector to adjust her records:

CJB Vacant Properties, LLC
C/O Zipp & Tannenbaum, LLC
280 Raritan Center Parkway
Edison NJ 08837

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on October 3, 2023.

Donna M Manno, RMC
Municipal Clerk

RESOLUTION 2023-335

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AUTHORIZING THE REFUNDS OF
UNIT REIMBURESMENT OVERPAYMENTS FOR OFF-SITE WATER, SEWER, AND
PRESSURE IMPROVEMENTS**

WHEREAS, Barnegat Township has received duplicate/overpayments for Off-Site Water, Off-Site Sewer, and Pressure Improvement URA's, for 16 Second Street.

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Chief Finance Officer is hereby authorized to issue one or more checks, totaling \$4,829.65, for the refund of Off-Site Water, Off-Site Sewer, and Pressure Improvement Unit Reimbursement Overpayments to the following individual:

The Estate of Terry L. Makoski, whose address on record at the time payment, was 133 Pomponio Avenue, South Plainfield, NJ 07080.

For payments received on: August 24, 2021,
For Property: 16 Second Street, Block 108 Lot 10

Off-Site Water:	Check # 2842	\$1,280.99
Pressure Improvements:	Check # 2842	\$ 688.59
Off-Site Sewer:	Check # 2844	<u>\$2,860.07</u>
		\$4,829.65

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township at their regular meeting held on the 3rd day of October 2023, at The Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

Donna M. Manno, RMC
Municipal Clerk

REDIFORM • Carbonless • 51654NCR Duplicate • 51657NCR TriPLICATE

DATE August 24, 2021 **RECEIPT** 730890

RECEIVED FROM Terry Makoski

ADDRESS 133 Pomponio Ave South Plainfield, NJ 07080

Two thousand eight hundred sixty 7/100 DOLLARS \$ 2860.07

FOR Mark Madisen Sewer URA

116 Second Street Block 108 Lot 10

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID	<u>2860.07</u>	CHECK	<u>2844</u>
BALANCE DUE		MONEY ORDER	

MMSEWER

BY CM

©REDIFORM® 51654NCR

TERRY L MAKOSKI
133 POMPONIO AVE
SOUTH PLAINFIELD, NJ 07080

2844
55-136/312
660

8-17-21 Date

Pay to the Order of Barnespt Township | \$ 2,860.07
Two Thousand Eight Hundred Sixty Dollars + 7/100 Dollars



America's Most Convenient Bank®

For block # 108 lot # 10 (sewer) Terry Makoski MP

⑆031201360⑆ 7859534799⑈ 2844

Escrow
8/24/21
mm sewer
776 455 0298

FORM e Carbonless • S1654NCR Duplicate • S1657NCL Triplicat

DATE August 24, 2021 RECEIPT 150031

RECEIVED FROM Terry Makoski

ADDRESS 133 Pomponio Ave So. Plainfield NJ 07080

One thousand nine hundred sixty nine 58/100 DOLLARS \$ 1,969.58

FOR Mark Medium Water URA

116 Second Street Block 108 Lot 10

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID	<u>1969.58</u>	CHECK	<u>2842</u>
BALANCE		MONEY	

MM WATER & CAPITAL

mm = \$1,280.99
 WS CAP \$688.59

TERRY L MAKOSKI
 133 POMPONIO AVE
 SOUTH PLAINFIELD, NJ 07080

2842
 55-136/312
 660

8-17-21
 Date

Pay to the Order of Barnegat Township \$ 1969.58
One thousand nine hundred sixty nine & 58/100 Dollars



For block # 108 lot # 10 (water) Terry Makoski MF
 ⑆031201360⑆ 7859534799⑆ 2842

Future Users EDU Principal Cost \$ 875.06

EDU	Connections	EDU's Used	EDU Cost	TOTAL
2 bedroom single = 215 gpd	-	-	-	
3 bedroom single = 320 gpd	1	0.8101	708.89	
4 bedroom single = 395 gpd	-	-	-	
Total EDU Reimbursement		0.8101	708.89	
Total Principal Interest QUOTED 7/6/2021 per EDU				\$708.89
TOTAL PRINCIPAL AND INTEREST				\$1,280.99

WATER URA \$1,280.99

ESCROW
8/24/21
MM WATER
7764550280

1 EDU = 4 bedroom single family home

Future Users EDU Principal Cost \$ 850.00

EDU	Connections	EDU's Used	EDU Cost	TOTAL
2 bedroom single = 215 gpd	-	-	-	
3 bedroom single = 320 gpd	1	0.8101	688.585	
4 bedroom single = 395 gpd	-	-	-	
Total EDU Reimbursement		0.8101	688.59	
Total Principal Interest QUOTED per EDU				\$688.59 \$688.59
TOTAL PRINCIPAL AND INTEREST				\$0.00 \$0.00
				AMOUNT DUE \$1,969.57 \$1,969.58

WS CAPITAL

7864848125

**Terry Makoski
133 Pomponio Avenue
South Plainfield, NJ 07080
908-380-7595**

August 17, 2021

**Barnegat Township Municipal Building Finance Department
900 West Bay Avenue
Barnegat, NJ 08005**

**Re: block #108
lot #10**

Attn: Christine

Enclosed are my checks #2842 for the water and #2844 for the sewer on the property I plan to build on at 16 Second Street in Barnegat.

Thank you,

Terry Makoski

RESOLUTION 2023-336

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE MUNICIPAL CLERK TO REFUND PAYMENT
ERRONEOUSLY PAID FOR BY LAND OWNER OF 29 EIGHTH STREET FOR
A SEWER TAP INSPECTION FEE**

WHEREAS, a payment has been received by the Clerk's Office, for the parcel known as Block 95.23 Lot 1.02, address 29 Eighth Street, in the amount of \$500.00, for a Sewer Tap Inspection, and;

WHEREAS, the land owner had paid the Sewer tap Inspection fee of \$500.00 required when submitting a Road Opening Bond; and

WHEREAS, it has been determined by our Utilities Superintendent that sewer is currently in the road and that a sewer tap inspection is not required for 29 Eighth Street; and

THEREFORE BE IT RESOLVED, that the Clerk be directed to refund the overpayment of a sewer tap inspection fee that was received on August 30, 2023 by,

Nicholas Ferraro
417 3rd Street
Waretown, NJ 08758

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$500.00 and the Municipal Clerk to adjust her records accordingly

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on October 3, 2023

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2023-337

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING PAYMENT #2 TO SHORE CONNECTION INC. FOR THE 2022 SANITARY SEWER CAPITAL IMPROVEMENT PROJECT

WHEREAS, Shore Connection Inc., 304 Forge Road, Unit 10, West Creek, NJ 08092, has previously been awarded a contract for the 2022 Sanitary Sewer Capital Improvement Project for the total contract amount of \$478,813.50; and

WHEREAS, Shore Connection Inc., has submitted a voucher for Payment #2 in the amount of \$242,247.18 for work completed to date; and

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

THEREFORE, BE IT RESOLVED, by the Township Committee of The Township of Barnegat, County of Ocean, State of New Jersey that Payment #2, in the amount of \$242,247.18 is hereby approved and the Chief Financial Officer is hereby authorized to issue a check to Shore Connection Inc., 304 Forge Road, Unit 10, West Creek, NJ 08092 in the amount of \$242,247.18 representing Payment #2 for work completed to date on the 2022 Sanitary Sewer Capital Improvement Project.

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

W-08-55-600-576
Line Item(s)

Thomas Lombarski, CFO

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Township Committee at their meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ on the 3rd day of October, 2023.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION NO. 2023 –338

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING THE
AFFORDABLE HOUSING PLANNER TO
IMPLEMENT THE HOME IMPROVEMENT
PROGRAM AND REHABILITATION PROGRAM**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (“the Township”) is party to a Settlement Agreement of Fair Share Housing with regard to the Township’s Affordable Housing Regulations; and

WHEREAS, the Township’s Affordable Housing Planner CME Associates has provided a proposal dated September 6, 2023 for Affordable Housing Administration to implement the Home Improvement Program and Rehabilitation Program as required by the Affordable Housing Settlement Agreement; and

WHEREAS, the proposal is attached hereto and made a part hereof; and

WHEREAS, all fees paid from the Township Affordable Housing Trust Fund; and

WHEREAS, the Township finds it necessary and appropriate to authorize the Affordable Housing Planner to undertake said services; and

NOW THEREFORE BE IT RESOLVED on this 3rd day of October 2023, by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township authorizes the Affordable Housing Planner CME Associates to undertake affordable housing home improvement program services in accordance with the proposal which is attached hereto and made a part hereof.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Pasquale Pipi, Mayor;
- (b) Martin J. Lisella, Township Administrator;
- (c) Thomas Lombarski, CFO;
- (d) Kurt Otto, PE, Township Engineer;
- (e) Christopher Dochney, PP, CME; and
- (f) Christopher J. Dasti, Esq., Township Attorney.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

Prepared by:

DASTI & STAIGER, P.C.



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLO, PE, CME

September 6, 2023

Martin Lisella, Township Administrator
Township of Barnegat
35 Municipal Drive
Barnegat, NJ 08008

**RE: Affordable Housing Administration
Home Improvement Program (Rehabilitation Program)
Barnegat Township, Ocean County
Proposal No.: 2023-167**

Dear Mr. Lisella,

CME Associates (CME) is pleased to submit this proposal to provide affordable housing administration services to administer the Township's Home Improvement Program (HIP), also known as a housing rehabilitation program. CME has served as the affordable housing planner and administrative agent for affordable housing program for many years, and we look forward to continuing to serve the Township in this capacity in helping Barnegat to satisfy all of its fair share affordable housing obligations, including appropriate spending of funds in the Affordable Housing Trust Fund.

In accordance with the terms of the Township's settlement agreement with Fair Share Housing Center, and the previously adopted Housing Plan Element and Fair Share Plan, as well as the Affordable Housing Trust Fund Spending Plan and Rehabilitation Program Manual, we offer the following proposed scope of services:

1. Rehabilitation Contractor Outreach and Coordination

CME Staff will establish a list of pre-qualified contractors that is required to be maintained for use in requesting bids for all rehabilitation work. CME will reach out to local contractors to solicit their participation in the program, and review all qualifications and certifications of each contractor. CME staff will also work to ensure that qualified contractors understand the program and process for submitting bids, being selected for a project, and payment schedules if contracted to perform work on any rehabilitation project.

If deemed necessary, CME will also identify a qualified professional building inspector to perform inspections on homes where applications have been made, and determine an estimate of costs needed for suitable repairs. The inspector would also inspect all work performed by contractors to ensure that contracted work is performed correctly. This inspector could be current Township building or code staff, or a separate outside professional that would serve as a sub-consultant to CME for the rehabilitation program.

Estimated Fee: \$11,500

S:\Barnegat\Proposals\2023-167 Home Improvement Program 23-09-01.docx



Township of Barnegat
RE: Professional Planning Services
Housing Rehabilitation Program

September 6, 2023
Proposal No. 2023-167
Page 2

2. Affirmative Marketing and Start-up of Program

CME Staff will complete initial tasks and training of Township staff as necessary to prepare for receiving and processing applications for the Home Improvement Program. This includes preparation of all application forms, program flyers, standard work orders and contract documents, mortgages, affordable housing agreements, a rehabilitation program manual, and other related materials. CME will ensure that the program is marketed in accordance with all requirements of the Fair Housing Act and all applicable Council on Affordable Housing (COAH) regulations.

This fee includes a total of up to three (3) meetings or phone conferences with the project team for initial training and to discuss aspects of the program during implementation.

Estimated Fee: \$4,500

3. Rehabilitation Project Administration

CME staff will review and process all applications for the home improvement program to determine the eligibility of each homeowner to qualify as a low or moderate income households, and coordinate with the Township's building inspector or another qualified inspector to ensure that each requested home rehabilitation project qualifies as a credit-worthy repair (that a major system such as windows, roofing, HVAC, electric, plumbing, or ADA accessibility) in order for the Township to receive proper credit towards any funds expended on the program.

CME will then coordinate and manage the process of requesting bids from the pre-qualified list of contractors and reviewing bids received for consistency with the scope of work as determined by the Township's building inspector. CME will coordinate with the homeowner throughout the process, and organize any pre-construction meetings and oversee the administration of the construction process, as well as coordinate with Township staff and financial officers to ensure proper payment to contractors for work performed at determined intervals and construction milestones as outlined in the contract for services. .

CME will maintain all documentation on the project as required by applicable state regulations.

As this process and the amount of time necessary to administer it will differ greatly depending on the complexity of the project and the potential for projects to be initiated by a homeowner but ultimately not move forward to construction, the costs per unit are anticipated to vary. However, in accordance with applicable COAH restrictions, the per unit costs for administration shall not exceed 20% of the total budget for the rehabilitation project.

Estimated Fee: \$2,000 to \$5,000 per unit (not to exceed 20% of project costs)



Township of Barnegat
RE: Professional Planning Services
Housing Rehabilitation Program

September 6, 2023
Proposal No. 2023-167
Page 3

Total Fee Estimate, Housing Improvement Program Administration: \$16,000 initial start-up, plus \$2,000 to \$5,000 per unit costs

Limitations and Exclusions

The limitations and exclusions for this fee estimate are set forth below:

1. Any services that are not included within the above Scope of Services are not included within this fee estimate. Any additional work such as the preparation of updates to the Housing Plan Element and Fair Share Plan, ordinances or any other documentation or services that require additional work is not included within this estimate. CME will submit a separate proposal for any additional work required.
2. Should any affordable unit be illegally sublet, sold or otherwise be found to be in violation of any aspect of the Township's Home Improvement Program, applicable affordable housing regulations, legislation or court decisions, the effort required to correct such deficiency(ies) is not included within the fees noted above. The effort required for correcting these deficiencies would be completed for an additional fee under a separate proposal.
3. This fee estimate does not include services for the preparation of any documentation based upon any new regulations, legislation or court decisions that occur subsequent to the submission of this proposal. Should new regulations, legislation or court decisions occur subsequent to the submission of this proposal and create a need for additional work, we will provide a separate fee estimate for any required services.



Township of Barnegat
RE: Professional Planning Services
Housing Rehabilitation Program

September 6, 2023
Proposal No. 2023-167
Page 4

Should this fee estimate meet your approval, please provide our office with a professional services agreement/purchase order or resolution as an indication that the work can proceed. In the meantime, should you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
CME Associates

A handwritten signature in black ink, appearing to read 'C. Dochney', is written over a light blue horizontal line.

Christopher N. Dochney, PP, AICP
Project Leader

CD:MA:PG

cc: Thomas Lombarski – Township CFO
Kurt Otto, PE, CME, CFM – Township Engineer
Christopher Dasti, Esq – Township Attorney

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

609-549-8990
609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2042

September 8, 2023

Via Email

Martin Lisella, Township Administrator
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

Re: Resolution Authorizing the Affordable Housing Planner to Implement the Home Improvement Program and Rehabilitation Program

Dear Marty:

Attached is the proposal that Chris Dochney has submitted. I think it looks fine. These services have to be done and will be paid for by the Affordable Housing Trust Fund. So provided the Township has no objection, I have prepared a resolution to help speed the process along.

If the Committee is in favor of it, I will let Mr. Dochney know so he can start getting to work.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Mayor Pat Papi-via email
Tom Lombarski, CFO-via email
Donna M. Manno, Township Clerk-via email
Kurt Otto, PE, Township Engineer-via email

RESOLUTION NO. 2023 –339

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, OPPOSNG MASK AND COVID-19
VACCINE MANDATES BY THE
STATE OF NEW JERSEY**

WHEREAS, as a response to the COVID-19 pandemic in 2020, the Governor of the State of New Jersey and the New Jersey Legislature implemented broad, universal mask-wearing mandates and vaccine requirements; and

WHEREAS, as a result of those mandates, the repercussions not only had economic and emotional impacts, but infringed upon the personal liberties; and

WHEREAS, there have been an increase in reports that there may be new COVID-19 mandates which will be attempted to be implemented including but not limited to, mask-wearing mandates and vaccine requirements; and

WHEREAS, the Township of Barnegat opposes government overreach and infringement upon the individual liberties enjoyed by the residents of Barnegat and the citizens of the United States of America; and

WHEREAS, the Township Committee of the Township of Barnegat opposes any new mask-wearing or vaccination mandates imposed by the Governor and/or the New Jersey Legislature; and

WHEREAS, the Township Committee of the Township of Barnegat urges Governor Phil Murphy and the New Jersey Legislature to not implement any mask-wearing mandates or vaccine mandates in response to potential COVID-19 resurgence and/or variant, as it is not in the best interests of the citizens of the State of New Jersey; and

NOW THEREFORE BE IT RESOLVED on this 3rd day of October 2023, by the Mayor and Township Committee of the Township of Barnegat, County of

Ocean, State of New Jersey that the Township opposes New Jersey implementing any mask-wearing or vaccine mandates as a response to any reports of a COVID-19 resurgence and urges Governor Phil Murphy and the New Jersey Legislature to evaluate their previous responses and the effect it has had on the health, safety, and welfare of the residents of the State of New Jersey; and

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

- (a) Governor Phil Murphy;
- (b) Senate President Nicholas Paul Scutari;
- (c) Speaker Craig Coughlin;
- (d) Members of the Ocean County Legislative Delegation;
- (e) Members of the New Jersey Board of County Commissioners;
- (f) U.S. Congressman Jeff Van Drew of the 2nd District.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

Prepared by:

DASTI & STAIGER, P.C.

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

609-549-8990
609-549-5043

DastiLaw.com

Jeffrey D. Cheney
Brian R. Clancy
Brigit P. Zahler*
Christopher A. Khatami
*Also admitted in NY

File No.: GL-2042

September 20, 2023

Via Email

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

Re: Resolution Opposing Mask and COVID-19 Vaccine Mandates

Dear Donna:

Enclosed please find a proposed resolution opposing mask-wearing and vaccine mandates by the State of New Jersey. It can be placed on the agenda for the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Mayor Pat Pipi-via email
Martin Lisella, Township Administrator-via email

RESOLUTION 2023-340

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP CLERK TO ADVERTISE FOR RFP FOR 2024 PROFESSIONAL SERVICES

BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Municipal Clerk is hereby authorized to advertise for the receipt of RFP for Professional Services for 2024 in the Asbury Park Press and the Times Beacon on October 5th & 6th, 2023.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey hereby certify that the foregoing resolution was duly adopted by the Township Committee at a meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 3rd day of October, 2023.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION NO. 2023-341

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN EXTENSION OF GRANT WITH THE NJDOT FOR THE SPRUCE CIRCLE NORTH IMPROVEMENT PROJECT

WHEREAS, the NJDOT has notified the Township that the Municipal Aid Grant awarded for the improvements of Spruce Circle North will expire on October 21, 2023

WHEREAS, the Township wishes to extend the Grant (2022-MA-00355) with the NJDOT through April 21, 2024; and

WHEREAS, the Township Engineer, along with the Townships Grant writer, Bruno and Associates, has requested an extension through the NJDOT PMRS website; and

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of October, 2023 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey;

1. The Township Committee hereby authorizes the execution of an extension for the NJDOT Grant for Spruce Circle North improvement project
2. That the Mayor, Township Clerk, and Township Administrator are hereby authorized to execute any and all documents to effectuate this resolution.
3. A Certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Pasquale Papi, Mayor
- (b) Bruno & Associates
- (c) Tom Lombarski, CFO
- (d) Brian Quinn, Morgan Engineering
- (e) Christopher J. Dasti, Esq., Township Attorney

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify the foregoing resolution adopted by the Township Committee on the 3rd day of October, 2023.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2023-342

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE TAX COLLECTOR TO REFUND PAYMENT
ERRONEOUSLY PAID**

WHEREAS, a payment has been received by the Tax/Utility Office, for the parcel known as Block 208.09 Lot 1.02 Qual C, address 35 Caribbean Ct, in the amount of \$1,059.17

WHEREAS, the homeowner applied for LIHWAP through the State of New Jersey

WHEREAS, a payment was received from the State of NJ, however the above mentioned property pays water/sewer to the Township of Ocean

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the payment to the Township of Ocean,

Township of Ocean
50 Railroad Ave
Waretown NJ 08758

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,059.17 and the Tax Collector to adjust her records accordingly

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on October 3, 2023

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION NO. 2023 –343

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, GRANTING FINAL SEWER
FACILITIES APPROVAL TO
BARNEGAT TERRACE LLC FOR
702 BARNEGAT BOULEVARD NORTH,
BLOCK 162.01, LOT 1.22**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received an application from the developer Barnegat Terrace LLC for final sewer facilities approval for property known as 702 Barnegat Boulevard North otherwise known as Block 162.01, Lot 1.22 on the tax map of the Township of Barnegat pursuant to Resolution 2023-133 (March 7, 2023); and

WHEREAS, the Township previously authorized preliminary sewer system approval on March 7, 2023 pursuant to Resolution 2023-133; and

WHEREAS, the Township’s Engineer has reviewed the developer’s application for final sewer facilities approval; and

WHEREAS, the Township Engineer has issued a review memorandum dated September 14, 2023, which is attached hereto and made a part hereof recommending final sewer system approval subject to the developer satisfying the conditions set forth in the review memorandum; and

WHEREAS, the Township accepts the recommendations of its professional staff.

NOW, THEREFORE, BE IT RESOLVED on this 3RD day of October, 2023 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township hereby grants final sewer system facilities approval to Barnegat Terrace, LLC for Block 162.01, Lot 1.22 subject to the conditions set forth

in the September 14, 2023 review memorandum of the Township Engineer, which is attached hereto and made a part hereof.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Stacey Cole, Planning Board Secretary
- (d) Roger Budd, Township Sewer Utility Supervisor
- (e) Christine Roessner, Finance Office
- (f) Jason Worth, PE, T&M Associates, Planning Board Engineer
- (g) Kurt Otto, PE, Township Engineer
- (h) Stuart Challoner, PE, Applicant's Engineer
- (j) Christopher J. Dasti, Township Attorney

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

Prepared by:
DASTI & STAIGER

DASTI & STAIGER
ATTORNEYS AT LAW
310 Lacey Road P.O. Box 779
Forked River, NJ 08731



Barnegat Township

Engineering Office

900 West Bay Avenue, Barnegat, New Jersey 08005

Tel 609.698.0080 ext 148

www.barnegat.net

September 14, 2023

Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

Attention: Donna Manno, Clerk (via email clerk@barnegat.net)

RE: **Docket #ZB 22-02**
Application for Review of Final Plans for Sewer System Facilities
Review #1
702 Barnegat Boulevard North
Block 162.01, Lot 1.22
Applicant: Barnegat Terrace LLC
Township of Barnegat

Dear Mayor and Township Committee:

The following submitted documents have been received for review of Final Plans for Sewer System Facilities approval for the above referenced project:

1. Township of Barnegat Application for Review of Final Plans for Sewer System Facilities, dated 8/29/23;
2. "Engineer's Report & Construction Specifications for Sanitary Facilities for Barnegat Terrace Commercial Site", prepared by Stuart Challoner, PE, dated 8/24/23;
3. Sanitary Sewer Construction Cost Estimate, prepared by Sebastiano Pulvirenti, PE, dated 8/18/23;
4. Fee Schedule for Final Sewer Application and Inspection Fees;
5. Plans entitled "Site Plan for Barnegat Terrace Commercial Site; Lot 1.22, Block 162.01", sheets 1-9 of 9; prepared by Stuart Challoner, PE, dated 10/22/21, last revised 7/5/23;
6. Application cover letter dated 8/24/23, prepared by Sebastiano Pulvirenti, PE, of Challoner and Associates.

GENERAL COMMENTS

1. Applicant received Preliminary and Final Site Plan approval per Resolution 2022-18, dated September 12, 2023.
2. Applicant received Preliminary Sanitary Sewer Facilities approval per Resolution 2023-133, dated March 7, 2023.
3. Applicant seeks Final Sewer System Facilities approval to permit the construction of new 9,300 SF office building, fronting Barnegat Boulevard North.
4. Applicant proposes to connect new office building to existing sanitary sewer manhole, via 6" lateral.
5. Fees: Per Chapter 74-4, Final sewer review fees for new units is 2% of estimated construction costs:
 $\$8,348.00 * 2\% = \166.96 (Township to confirm receipt)
6. Fees: Per Chapter 74-4, Sewer Inspection fees for new units the greater of \$500 or 5% estimated construction costs:
 $\$8,348.00 * 5\% = \417.40 but \$500 minimum is required. (Township to confirm receipt).

DESIGN COMMENTS

1. On January 19, 1999, the Barnegat Township Committee adopted Ordinance No. 1999-2 which requires all developers within the sanitary sewer service area to reimburse Menk Corporation for their share of the costs of certain sanitary sewer improvements which have been funded and paid for by Menk. Therefore, the developer will be required to pay his share of the sanitary sewer system costs in the amounts and the times set forth in Ordinance 1999-2.

OUTSIDE AGENCY APPROVALS

The application is subject to the following outside agency approvals:

1. Ocean County Soils Conservation District.
2. Ocean County Engineering
3. Ocean County Utilities Authority.
4. NJDEP CAFRA permit
5. Any other applicable outside agencies

Based on the above, we recommend the applicant be granted Final Sanitary Sewer Facilities approval subject to the Applicant meeting the above conditions.

Should you have any questions or require any further information, please contact my office.

Very Truly Yours



Kurt J. Otto, PE, CME, CFM
Township Water and Sewer Engineer

Cc:

Martin Lisella, Twp Administrator, via email (mlisella@barnegat.net)
Stacey Cole, PB secretary, via email (scole@barnegat.net)
Zach Jordan, PE, Twp Consulting Engineer, via email (zjordan@cmeusa1.com)
Roger Budd, Twp Water and Sewer Utility Supervisor, via email (rbudd@comcast.net)
Christine Roessner, Twp Finance, via email (christinet@barnegat.net)
Christopher Dasti, Esq., Twp Water and Sewer Attorney, via email (cdasti@dastilaw.com)
Stuart Challoner, PE, via email (schalloner@challonerassociates.net)

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

☎ 609-549-8990
📠 609-549-5043

DastiLaw.com

Jeffrey D. Cheney
Brian R. Clancy
Brigit P. Zahler*
Christopher A. Khatami
*Also admitted in NY

File No.: GL-2152

September 15, 2023

Via Email

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

**Re: Resolutions Approving Preliminary Water System Facilities and Sewer System
Facilities for Barnegat Terrace, LLC**

Dear Donna:

Enclosed please find resolutions granting final water system facilities and sewer system facilities for 702 Barnegat Boulevard North, Block 162.01, Lot 1.22. These can be placed on the agenda for the next meeting.

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

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:lf

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Stacey Cole, Planning Board Secretary-via email
Roger Budd, Township Water and Sewer Utility Supervisor-via email
Jason Worth, Planning Board Engineer-via email
Christine Roessner, Finance Department-via email

RESOLUTION NO. 2023 –344

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, GRANTING FINAL WATER
FACILITIES APPROVAL TO
BARNEGAT TERRACE LLC FOR
702 BARNEGAT BOULEVARD NORTH,
BLOCK 162.01, LOT 1.22**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received an application from the developer Barnegat Terrace LLC for final water facilities approval for property known as 702 Barnegat Boulevard North otherwise known as Block 162.01, Lot 1.22 on the Tax Map of the Township of Barnegat; and

WHEREAS, the Township previously authorized preliminary water facilities approval on March 7, 2023 pursuant to Resolution 2023-134; and

WHEREAS, the Township’s Engineer has reviewed the developer’s application for final water facilities approval; and

WHEREAS, the Township Engineer has issued a review memorandum dated September 14, 2023, which is attached hereto and made a part hereof recommending final water system approval subject to the developer satisfying the conditions set forth in the review memorandum; and

WHEREAS, the Township accepts the recommendations of its professional staff.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of October, 2023 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township hereby grants final water system facilities approval to Barnegat Terrace, LLC for Block 162.01, Lot 1.22 subject to the conditions set forth

in the September 14, 2023 review memorandum of the Township Engineer, which is attached hereto and made a part hereof.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Stacey Cole, Planning Board Secretary
- (d) Roger Budd, Township Water Utility Supervisor
- (e) Christine Roessner, Finance Office
- (f) Jason Worth, PE, T&M Associates, Planning Board Engineer
- (g) Kurt Otto, PE, Township Engineer
- (h) Stuart Challoner, PE, Applicant's Engineer
- (j) Christopher J. Dasti, Township Attorney

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

Prepared by:
DASTI & STAIGER



Barnegat Township Engineering Office

900 West Bay Avenue, Barnegat, New Jersey 08005

Tel 609.698.0080 ext 148

www.barnegat.net

September 14, 2023

Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

Attention: Donna Manno, Clerk (via email clerk@barnegat.net)

RE: **Docket #ZB 22-02**
Application for Review of Final Plans for Water System Facilities
Review #1
702 Barnegat Boulevard North
Block 162.01, Lot 1.22
Applicant: Barnegat Terrace LLC
Township of Barnegat

Dear Mayor and Township Committee:

The following submitted documents have been received for review of Final Plans for Water System Facilities approval for the above referenced project:

1. Township of Barnegat Application for Review of Final Plans for Water System Facilities, dated 8/29/23;
2. "Engineer's Report & Construction Specifications for Potable Water Facilities for Barnegat Terrace Commercial Site", prepared by Stuart Challoner, PE, dated 8/24/23;
3. Water Construction Cost Estimate, prepared by Sebastiano Pulvirenti, PE, dated 8/18/23;
4. Fee Schedule for Final Water Application and Inspection Fees;
5. Plans entitled "Site Plan for Barnegat Terrace Commercial Site; Lot 1.22, Block 162.01", sheets 1-9 of 9; prepared by Stuart Challoner, PE, dated 10/22/21, last revised 7/5/23;
6. Application cover letter dated 8/24/23, prepared by Sebastiano Pulvirenti, PE, of Challoner and Associates

GENERAL COMMENTS

1. Applicant received Preliminary and Final Site Plan approval per Resolution 2022-18, dated September 12, 2022.
2. Applicant received Preliminary Water Facilities approval per Resolution 2023-134, dated March 7, 2023
3. Applicant seeks Final Water System Facilities approval to permit the construction of new 9,300 SF office building, fronting Barnegat Boulevard North.
4. It was previously noted that a 12" DIP extension from Terrace Lane to PIQ was noted as "proposed", however, per this latest submission, applicant indicates this extension was already installed. If the line was installed, then the only proposed water main extension work on Barnegat Boulevard is 97 LF of 12" DIP, extended across proposed site driveway, to a fire hydrant and valve/cap, terminated approximately 165 feet from westerly property line.
5. Fees: Per Chapter 74-17.2A(2), Final water review fees for new units is 2% of estimated construction costs:
 $\$12,518.55 * 2\% = \250.37 (Township to confirm receipt)

6. Fees: Per Chapter 74-17.2A(3), Water Inspection fees for new units is 8% of estimated construction costs construction costs:
\$12,518.55* 8% = \$1,001.48 (*Township to confirm receipt*)

DESIGN COMMENTS

1. Various off-site water system improvements have been constructed by Mark Madison, LLC. In accordance with the developers' agreement between Township of Barnegat and Mark Madison, LLC, all developers within the water system service area must reimburse Mark Madison LLC for their share of the cost of the improvements constructed and paid for by Mark Madison, LLC. Therefore, as a condition of any approval granted by the Township Committee, the Applicant must pay their share of the water system costs in the amounts and at the times set forth in the developers' agreement.
2. Utility Plan (sheet 4 of 9) comments:
 - a. As previously noted in the Preliminary Review letter, the applicant shall contact the Township Water and Sewer Department to discuss potential of extending the proposed 12" water main on Barnegat Boulevard to the westerly property line.
3. All details shall meet the various details in the Township of Barnegat Water System Rules and Regulations, Section VI, revise accordingly.
4. As previously noted in the Preliminary Review letter, the applicant shall contact the Township Water and Sewer Department to discuss potential of extending the proposed 12" water main on Barnegat Boulevard to the westerly property line.

OUTSIDE AGENCY APPROVALS

The application is subject to the following outside agency approvals:

1. Ocean County Soils Conservation District.
2. Ocean County Engineering
3. NJDEP Water Main Extension Permit.
4. NJDEP CAFRA permit
5. Any other applicable outside agencies

Based on the above, we recommend the applicant be granted Final Water Facilities approval subject to the Applicant meeting the above conditions.

Should you have any questions or require any further information, please contact my office.

Very Truly Yours



Kurt J. Otto, PE, CME, CFM
Township Water and Sewer Engineer

Cc:

Martin Lisella, Twp Administrator, via email (mlisella@barnegat.net)
Stacey Cole, PB secretary, via email (scole@barnegat.net)
Zach Jordan, PE, Twp Consulting Engineer, via email (zjordan@cmeusa1.com)
Roger Budd, Twp Water and Sewer Utility Supervisor, via email (rbudd@comcast.net)
Christine Roessner, Twp Finance, via email (christinet@barnegat.net)
Christopher Dasti, Esq., Twp Water and Sewer Attorney, via email (cdasti@dastilaw.com)
Stuart Challoner, PE, via email (schalloner@challonerassociates.net)

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

☎ 609-549-8990
☎ 609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2152

September 15, 2023

Via Email

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

**Re: Resolutions Approving Preliminary Water System Facilities and Sewer System
Facilities for Barnegat Terrace, LLC**

Dear Donna:

Enclosed please find resolutions **granting** final water system facilities and sewer system facilities for 702 Barnegat Boulevard North, Block 162.01, Lot 1.22. These can be placed on the agenda for the next meeting.

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

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:lf

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Stacey Cole, Planning Board Secretary-via email
Roger Budd, Township Water and Sewer Utility Supervisor-via email
Jason Worth, Planning Board Engineer-via email
Christine Roessner, Finance Department-via email

RESOLUTION NO. 2023-345

**A RESOLUTION OF THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY AUTHORIZING RELEASE OF THE
PERFORMANCE GUARANTEE SUBJECT TO
POSTING A TWO-YEAR MAINTENANCE
GUARANTEE FOR SITE IMPROVEMENTS FOR
OCEAN ACRES PHASE 8**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the release of Performance Guarantee (#4-082-033) for site improvements for a project known as Ocean Acres Phase 8 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated November 26, 2022, a copy of which is attached hereto and made a part hereof, recommending release of the performance guarantee subject to the Developer posting a two-year Maintenance Guarantee in the amount of \$390,911.25 which represents 15% of the original estimated construction cost of \$2,606,075.00; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township hereby authorizes the release of the Performance Guarantee (#4-082-033) subject to the posting of a two-year Maintenance Guarantee in the amount of \$390,911.25 and any outstanding escrow fees and costs be paid, if applicable.

DASTI STAIGER
ATTORNEYS AT LAW

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

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 8
Site Bond #4-082-033
Water Bond #4-082-031
Sewer Bond #4-082-032

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 8** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,



Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
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Barnegat, NJ 08005
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F: 609.607.9550

wgaps.com
waltershomes.com



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
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JAY B. CORNELL, PE, PP, CME
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GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
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TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

November 26, 2022

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

**Re: Request for Full Release of Performance Guarantee (#4-082-033)
Site Improvements
Ocean Acres Phase 8
Applicant: Walters Development Co.
Our File: VBGE0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection relative to the developer's request that the site improvements performance bond be fully released. Our inspection has revealed that all items have been installed in a satisfactory manner. However, we note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted.

Based on the above, our office has no objection to the performance guarantee being released subject to the Applicant posting a 2-year maintenance guarantee in the amount of \$390,911.25 which is 15% of the original estimated construction cost of \$2,606,075.00.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

CME Associates

David Barry, PE
Office of Township Engineer

DB/ts

Enclosures

cc: Martin Lisella, Township Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Christine Roessner, Township Finance
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

S:\Barnegat\Site Inspections\VBGE0092.01 Ocean Acres Phase 8\22-11-26 - Site Perf Bond Full Release.docx

CONSULTING AND MUNICIPAL ENGINEERS

849 W. BAY AVENUE, SUITE 16 • BARNEGAT, NEW JERSEY 08005 • (732) 410-2650 • FAX: (609) 698-1680

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

609-549-8990
609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2128

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phase 8**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matter. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-346

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE SANITARY SEWER IMPROVEMENT
PERFORMANCE GUARANTEE FOR
OCEAN ACRES PHASE 8**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of sanitary sewer system improvement performance guarantee for a project known as Ocean Acres Phase 8 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated September 1, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 8 sanitary sewer system improvements. The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Papi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: **Ocean Acres Phase 8**
Site Bond #4-082-033
Water Bond #4-082-031
Sewer Bond #4-082-032

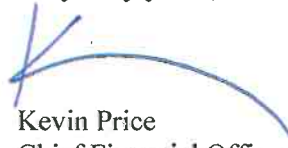
Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 8** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,



Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
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BEHRAM TURAN, PE, LSRP
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DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLLO, PE, CME

September 1, 2023

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

**Re: Request for Release of Performance Guarantee
Sanitary Sewer System Improvements
Ocean Acres – Phase 8
Applicant: Walters Development Co.
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection relative to the developer's request that the sewer system improvements performance bond be released. Our inspection has revealed that all items have been installed in a satisfactory manner. However, we note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Sanitary Sewer System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.

Once the as-built plans have been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the about of \$69,037.20 which is 15% of the original estimated construction cost of \$460,248.00.



Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 8
Bond Release Request

September 1, 2023
Our File No. VBGU0092.01
Page 2

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

609-549-8990
609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2128

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phase 8**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matter. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-347

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE WATER SYSTEM IMPROVEMENTS
PERFORMANCE GUARANTEE FOR
OCEAN ACRES PHASE 8**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of the performance guarantee for water system improvements for a project known as Ocean Acres Phase 8 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated August 30, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 8 water system improvements. The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

DASTI STAIGER

ATTORNEYS AT LAW

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

- (a) Mayor Pasquale Papi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: **Ocean Acres Phase 8**
Site Bond #4-082-033
Water Bond #4-082-031
Sewer Bond #4-082-032

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 8** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,



Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

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LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLO, PE, CME

August 30, 2023

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

**Re: Request for Release of Performance Guarantee
Water System Improvements
Ocean Acres – Phase 8
Applicant: Walters Development Co.
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a water supply system inspection of the above-referenced project relative to the developer's request for a release of the performance guarantee for the required water supply improvements.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

Be advised that there has been substantial completion of the required water supply improvements at this site. However, we cannot recommend release of the performance guarantee at this time as the water supply improvements have not been completed in a satisfactory matter. The following punch list items must be corrected prior to the release of the performance bond:

- Michael Avenue and Fawcett Boulevard
 - Water valve on East side of intersection not flush with road.
 - Water valve chipped damage to riser.

We note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted. In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Water System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.



Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 8
Bond Release Request

August 30, 2023
Our File No. VBGU0092.01
Page 2

Once the as-built plans have been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the amount of \$69,003.00 which is 15% of the original estimated construction cost of \$460,020.00.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,



Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

609-549-8990
609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2128

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phase 8**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matter. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-348

**A RESOLUTION OF THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY AUTHORIZING RELEASE OF THE
PERFORMANCE GUARANTEE SUBJECT TO
POSTING OF A TWO-YEAR MAINTENANCE
GUARANTEE FOR SITE IMPROVEMENTS
OCEAN ACRES PHASE 9**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the release of Performance Guarantee (#PB00459500018) for site improvements for a project known as Ocean Acres Phase 9 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated November 26, 2022, a copy of which is attached hereto and made a part hereof, recommending release of the performance guarantee subject to the Developer posting a two-year Maintenance Guarantee in the amount of \$178,637.85 which represents 15% of the original estimated construction cost of \$1,190,919.00; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township hereby authorizes the release of the Performance Guarantee (#PB00459500018) subject to the posting of a two-year Maintenance Guarantee in the amount of \$178,637.85 and any outstanding escrow fees and costs be paid, if applicable.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 9
Site Bond # PB00459500018
Water Bond # PB00459500020
Sewer Bond # PB00459500019

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 9** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
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BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

November 26, 2022

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

**Re: Request for Full Release of Performance Guarantee (#PB00459500018)
Site Improvements
Ocean Acres Phase 9
Applicant: Walters Development Co.
Our File: VBGE0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection relative to the developer's request that the site improvements performance bond be fully released. Our inspection has revealed that all items have been installed in a satisfactory manner. However, we note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted.

Based on the above, our office has no objection to the performance guarantee being released subject to the Applicant posting a 2-year maintenance guarantee in the amount of \$178,637.85 which is 15% of the original estimated construction cost of \$1,190,919.00.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

CME Associates

David Barry, PE
Office of Township Engineer

DB/ts
Enclosures

cc: Martin Lisella, Township Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Christine Roessner, Township Finance
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

S:\Barnegat\Site Inspections\VBGE0092.01 Ocean Acres Phase 9\22-11-26 - Site Perf Bond Full Release.docx

CONSULTING AND MUNICIPAL ENGINEERS

849 W. BAY AVENUE, SUITE 16 • BARNEGAT, NEW JERSEY 08005 • (732) 410-2650 • FAX: (609) 698-1680

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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Forked River, NJ 08731

☎ 609-549-8990

☎ 609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-349

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY AUTHORIZING
RELEASE OF THE PERFORMANCE GUARANTEE
SUBJECT TO THE POSTING OF A TWO-YEAR
MAINTENANCE GUARANTEE FOR SANITARY
SEWER SYSTEM IMPROVEMENTS FOR OCEAN
ACRES PHASE 9**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the release of Performance Guarantee for sanitary sewer system improvements, Bond #PB00459500019 for Ocean Acres Phase 9 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has performed a site inspection of the improvements and issued a review memorandum dated August 30, 2023, a copy of which is attached hereto and made a part hereof, recommending release of the Performance Guarantee subject to the Developer posting a two-year Maintenance Guarantee in the amount of \$43,407.00 which represents 15% of the original estimated construction cost of \$289,380.00; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township hereby authorizes the release of the Sanitary Sewer Performance Guarantee (PB00459500019) subject to the posting of a two-year Maintenance Guarantee in the amount of \$43,407.00 and any outstanding escrow fees and costs be paid, if applicable.

DASTI STAIGER

ATTORNEYS AT LAW

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

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 9
Site Bond # PB00459500018
Water Bond # PB00459500020
Sewer Bond # PB00459500019

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 9** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
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F: 609.607.9550

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waltershomes.com

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ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLO, PE, CME

August 30, 2023

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

**Re: Request for Release of Performance Guarantee
Sanitary Sewer System Improvements
Ocean Acres – Phase 9
Applicant: Walters Development Co.
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection relative to the developer's request that the sewer system improvements performance bond be released. Our inspection has revealed that all items have been installed in a satisfactory manner. However, we note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Sanitary Sewer System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.

Once the as-built plans have been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the about of \$43,407.00 which is 15% of the original estimated construction cost of \$289,380.00.



Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 9
Bond Release Request

August 30, 2023
Our File No. VBGU0092.01
Page 2

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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☎ 609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-350

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY AUTHORIZING
RELEASE OF THE PERFORMANCE GUARANTEE
SUBJECT TO THE POSTING OF A TWO YEAR
MAINTENANCE GUARANTEE FOR WATER SYSTEM
IMPROVEMENTS FOR OCEAN ACRES PHASE 9**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. LLO (“the Developer”) for the release of Performance Guarantee for water system improvements Bond #PB00459500020 for Ocean Acres Phase 9 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has performed a site inspection of the improvements and issued a review memorandum dated August 30, 2023, a copy of which is attached hereto and made a part hereof, recommending release of the Performance Guarantee subject to the Developer posting a two-year Maintenance Guarantee in the amount of \$32,691.00 which represents 15% of the original estimated construction cost of \$217,940.00; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township hereby authorizes the release of the Water Improvement Performance Guarantee (PB00459500020) subject to the posting of a two-year Maintenance Guarantee in the amount of \$32,691.00 and any outstanding escrow fees and costs be paid, if applicable.

DASTI STAIGER
ATTORNEYS AT LAW

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

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 9
Site Bond # PB00459500018
Water Bond # PB00459500020
Sewer Bond # PB00459500019

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 9** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
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JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLLO, PE, CME

August 30, 2023

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

**Re: Request for Release of Performance Guarantee
Water System Improvements
Ocean Acres – Phase 9
Applicant: Walters Development Co.
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection relative to the developer's request that the water system improvements performance bond be released. Our inspection has revealed that all items have been installed in a satisfactory manner. However, we note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Water System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.

Once the as-built plans have been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the about of \$32,691.00 which is 15% of the original estimated construction cost of \$217,940.00.



Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 9
Bond Release Request

August 30, 2023
Our File No. VBGU0092.01
Page 2

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

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Jeffrey D. Cheney
Brian R. Clancy
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Christopher A. Khatami

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-351

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE PERFORMANCE GUARANTEE FOR SITE
IMPROVEMENTS FOR OCEAN ACRES PHASE 10**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of the performance guarantee for site improvements (PB00459500039) for a project known as Ocean Acres Phase 10 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated August 30, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee (PB00459500039) for Ocean Acres Phase 10 site improvements. The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 10
Site Bond # PB00459500039
Water Bond # PB00459500038
Sewer Bond # PB00459500040

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 10** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

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ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLO, PE, CME

August 30, 2023

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

**Re: Request for Release of Site Performance Guarantee
Site Improvements
Ocean Acres – Phase 10
Applicant: Walters Development Co.
Our File No. VBGP0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection of the above-referenced project relative to the developer's request for a release of the performance guarantee for the required site improvements.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

Be advised that there has been substantial completion of the required site improvements at this site. However, we cannot recommend release of the performance guarantee at this time for there are items that remain to be completed. The following punch list items must be corrected prior to the release of the performance bond:

- Minor ponding in front of house
 - 120 Cox Road
 - 118 Cox Road
 - 116 Cox Road
 - 114 Cox Road
- Vegetation growing around the edge of storm inlet grates - clean inlets and remove growth surrounding the grates, patch around the grate if necessary.
 - 11 Half Hitch Road
 - 13 Half Hitch Road
 - 15 Half Hitch Road
 - Southwest corner of Cox Road and Breakers Drive
- Repair cracks in curb ramp
 - Northwest corner of Cox Road and Breakers Drive.

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time. Once the as-built plans have been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the amount of \$198,969.60 which is 15% of the original estimated construction cost of \$1,326,464.00.



Donna Manno, Municipal Clerk
Ocean Acres – Phase 10
Re: Bond Release Request

August 30, 2023
Our File No. VBGP0092.01
Page 2

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

CME Associates

Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc


cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant


DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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Forked River, NJ 08731

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 609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-352

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE SANITARY SEWER IMPROVEMENT
PERFORMANCE GUARANTEE FOR
OCEAN ACRES PHASE 10**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of sanitary sewer system improvement performance guarantee (PB00459500040) for a project known as Ocean Acres Phase 10 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated August 30, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 10 sanitary sewer system improvements. (PB00459500040) The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 10
Site Bond # PB00459500039
Water Bond # PB00459500038
Sewer Bond # PB00459500040

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 10** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
Building 100
Barnegat, NJ 08005
O: 609.607.9500
F: 609.607.9550

wgapts.com
waltershomes.com



August 30, 2023

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

**Re: Request for Release of Performance Guarantee
Sanitary Sewer System Improvements
Ocean Acres – Phase 10
Applicant: Walters Development Co.
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a sanitary sewer system inspection of the above-referenced project relative to the developer's request for a release of the performance guarantee for the required sanitary sewer improvements.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

Be advised that there has been substantial completion of the required sanitary sewer improvements at this site. However, we cannot recommend release of the performance guarantee at this time as the sanitary sewer improvements have not been completed in a satisfactory matter. The following punch list items must be corrected prior to the release of the performance bond:

- 131 Cox Road – Sanitary cleanout slightly above grade.
- 20 Half Hitch Road – Temporary sanitary cleanout riser is broken.
- Sanitary cleanout service slightly above grade.
 - 2 Half Hitch Road
 - 24 Half Hitch Road

We note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted. In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Sanitary Sewer System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.



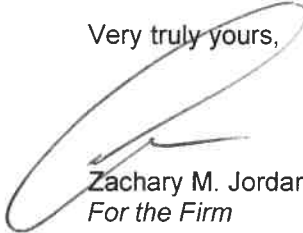
Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 10
Bond Release Request

August 30, 2023
Our File No. VBGU0092.01
Page 2

Once the as-built plans has been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the about of \$41,160.45 which is 15% of the original estimated construction cost of \$274,403.00.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,



Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

☎ 609-549-8990
☎ 609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-353

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE WATER SYSTEM IMPROVEMENTS
PERFORMANCE GUARANTEE FOR
OCEAN ACRES PHASE 10**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of the performance guarantee for water system improvements (PB00459500038) for a project known as Ocean Acres Phase 10 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated August 30, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 10 water system improvements (PB00459500038). The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

DASTI STAIGER

ATTORNEYS AT LAW

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

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 10
Site Bond # PB00459500039
Water Bond # PB00459500038
Sewer Bond # PB00459500040

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 10** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
Building 100
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wgaps.com
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JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLLO, PE, CME

August 30, 2023

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

**Re: Request for Release of Performance Guarantee
Water System Improvements
Ocean Acres – Phase 10
Applicant: Walters Development Co.
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a water supply system inspection of the above-referenced project relative to the developer's request for a release of the performance guarantee for the required water supply improvements.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

Be advised that there has been substantial completion of the required water supply improvements at this site. However, we cannot recommend release of the performance guarantee at this time as the water supply improvements have not been completed in a satisfactory matter. The following punch list items must be corrected prior to the release of the performance bond:

- Northwest corner of Cox Road and Breakers Drive
 - Missing water valve cap.
 - Remove water main debris.
- 15 Half Hitch Road – Water valve does not appear flush in front of property.
- 131 Cox Road – Water service valve slightly above grade in curb lawn area.
- 24 Half Hitch Road – Water service valve slightly above grade in curb lawn area.

We note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted. In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Water System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").



Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 10
Bond Release Request

August 30, 2023
Our File No. VBGU0092.01
Page 2

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.

Once the as-built plans have been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the amount of \$47,503.50 which is 15% of the original estimated construction cost of \$316,690.00.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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☎: 609-549-8990

☎: 609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-354

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE PERFORMANCE GUARANTEE FOR SITE
IMPROVEMENTS FOR OCEAN ACRES PHASE 11**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of the performance guarantee for site improvements (PB00459500054) for a project known as Ocean Acres Phase 11 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated August 30, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 11 site improvements (PB00459500054) . The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 11
Site Bond # PB00459500054
Water Bond # PB00459500068
Sewer Bond # PB00459500067

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 11** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
Building 100
Barnegat, NJ 08005
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JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



September 1, 2023

BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLA, PE, CME

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

**Re: Request for Release of Site Performance Guarantee
Site Improvements
Ocean Acres – Phase 11
Applicant: Walters Development Co.
Our File No. VBGP0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection of the above-referenced project relative to the developer's request for a release of the performance guarantee for the required site improvements. We note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

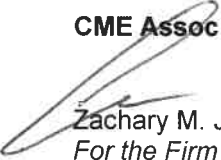
Be advised that there has been substantial completion of the required site improvements at this site. However, we cannot recommend release of the performance guarantee at this time for there are items that remain to be completed.

As permitted by the Municipal Land Use Law, our office will not recommend any further reductions to the performance guarantee amounts for this project until the as-builts have been submitted and approved and all of the required work has been completed and accepted by the Township.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

CME Associates


Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

S:\Barnegat\Site Inspections\VBGE0092.01 Ocean Acres Phase 11\Bond Reduction Inspection\Site Bond Release Denial and Reduction 23-08-30.docx

CONSULTING AND MUNICIPAL ENGINEERS

NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000

849 W. BAY AVENUE, SUITE 16 • BARNEGAT, NEW JERSEY 08005 • (732) 410-2650 • FAX: (609) 698-1680

PERFORMANCE GUARANTEE AND ENGINEERING & INSPECTION ESCROW ESTIMATE

PROJECT: Site Improvements
 Ocean Acres Development - Phase 11
 Barnegat Township, Ocean County, New Jersey

APPLICANT: Walters Development Co., LLC
 500 Barnegat Boulevard North, Building 100
 Barnegat, NJ 08005



CONSULTING AND MUNICIPAL ENGINEERS
 849 W. Bay Avenue, Suite 16, Barnegat NJ 08005
 Phone: (732) 410-2650 Fax: (609) 698-1680

Plans used to prepare this estimate are comprised of thirty one (31) sheets prepared by John W. Kornick, PE with K2 Consulting Engineers, Inc. of Haddonfield, NJ and bearing a latest revision date of March 6, 2020.

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE	QUANTITY INSTALLED	\$ AMOUNT INSTALLED	APPROX. % COMPLETE	TOTAL INCOMPLETE QUANTITY	\$ AMOUNT INCOMPLETE
1	Cleaning & Grubbing	22.00	Acre	\$5,000.00	22	\$110,000.00	100.00%	0.00	\$0.00
2	Belgian Block Curb	6,490	LF	\$16.00	6,490	\$103,840.00	100.00%	0.00	\$0.00
3	1.5" FABC Surface Course	11,000	SY	\$5.75	0	\$0.00	0.00%	11,000.00	\$63,250.00
4	4.5" Stabilized Base Course	11,000	SY	\$17.00	11,000	\$187,000.00	100.00%	0.00	\$0.00
5	6" Gravel Base Course	11,000	SY	\$7.00	11,000	\$77,000.00	100.00%	0.00	\$0.00
6	Street Light, 25 ft Height, 400W	21	EA	\$3,700.00	20	\$74,000.00	95.24%	1.00	\$3,700.00
7	Street Sign	5	EA	\$300.00	5	\$1,500.00	100.00%	0.00	\$0.00
8	Yard Inlet (0'-8' Depth)	1	EA	\$1,200.00	1	\$1,200.00	100.00%	0.00	\$0.00
9	Type B Inlet (0'-8' Depth)	14	EA	\$1,600.00	14	\$22,400.00	100.00%	0.00	\$0.00
10	Type B Inlet (8'-10' Depth)	2	EA	\$1,800.00	2	\$3,600.00	100.00%	0.00	\$0.00
11	Type B Inlet (10'-12' Depth)	2	EA	\$2,000.00	2	\$4,000.00	100.00%	0.00	\$0.00
12	Type B Inlet (12'-14' Depth)	1	EA	\$2,200.00	1	\$2,200.00	100.00%	0.00	\$0.00
13	Type B Inlet (0'-8' Depth) w/ baffle wall	4	EA	\$2,400.00	4	\$9,600.00	100.00%	0.00	\$0.00
14	Type B Inlet (10'-12' Depth) w/ baffle wall	1	EA	\$2,600.00	1	\$2,600.00	100.00%	0.00	\$0.00
15	Type B Inlet (12'-14' Depth) w/ baffle wall	10	EA	\$2,800.00	10	\$28,000.00	100.00%	0.00	\$0.00
16	Storm Manhole (0'-8' Depth)	2	EA	\$2,800.00	2	\$5,600.00	100.00%	0.00	\$0.00
17	Storm Manhole (10'-12' Depth)	1	EA	\$3,000.00	1	\$3,000.00	100.00%	0.00	\$0.00
18	Storm Manhole (12'-14' Depth)	1	EA	\$3,200.00	1	\$3,200.00	100.00%	0.00	\$0.00
19	12" HDPE Pipe (0'-8' depth)	85	LF	\$22.00	85	\$1,870.00	100.00%	0.00	\$0.00
20	24" HDPE Pipe (0'-8' depth)	195	LF	\$50.00	195	\$9,750.00	100.00%	0.00	\$0.00
21	24" HDPE Pipe (12'-14" depth)	175	LF	\$52.00	175	\$9,100.00	100.00%	0.00	\$0.00
22	15" RCP (0'-8' depth)	450	LF	\$28.00	450	\$12,600.00	100.00%	0.00	\$0.00
23	48" RCP (10'-12' depth)	155	LF	\$180.00	155	\$27,900.00	100.00%	0.00	\$0.00
24	24" Perf HDPE (w/ filter fabric & stone) (0'-8' depth)	530	LF	\$64.00	530	\$33,920.00	100.00%	0.00	\$0.00
25	24" Perf HDPE (w/ filter fabric & stone) (8'-10' depth)	100	LF	\$68.00	100	\$6,800.00	100.00%	0.00	\$0.00
26	24" Perf HDPE (w/ filter fabric & stone) (10'-12' depth)	130	LF	\$72.00	130	\$9,360.00	100.00%	0.00	\$0.00
27	60" Perforated HDPE (w/ filter fabric & stone) (8'-10' depth)	310	LF	\$213.00	310	\$66,030.00	100.00%	0.00	\$0.00
28	60" Perforated HDPE (w/ filter fabric & stone) (10'-12' depth)	100	LF	\$223.00	100	\$22,300.00	100.00%	0.00	\$0.00
29	60" Perforated HDPE (w/ filter fabric & stone) (12'-14' depth)	215	LF	\$233.00	215	\$50,095.00	100.00%	0.00	\$0.00
30	Dual 60" Perforated HDPE (w/ filter fabric & stone) (8'-10' depth)	225	LF	\$450.00	225	\$101,250.00	100.00%	0.00	\$0.00
31	Dual 60" Perforated HDPE (w/ filter fabric & stone) (10'-12' depth)	510	LF	\$470.00	510	\$239,700.00	100.00%	0.00	\$0.00
32	Dual 60" Perforated HDPE (w/ filter fabric & stone) (12'-14' depth)	325	LF	\$490.00	325	\$159,250.00	100.00%	0.00	\$0.00
33	Stabilized Construction Entrance	1	EA	\$2,000.00	1	\$2,000.00	100.00%	0.00	\$0.00
34	Inlet Protection	35	EA	\$100.00	35	\$3,500.00	100.00%	0.00	\$0.00
35	Topsoil, Fertilize and Sod (within ROW)	7,333	SY	\$8.50	6,966	\$62,330.50	95.00%	367.00	\$3,119.50
36	Retaining Wall (within ROW, at Breakers and Windjammer)	2,000	SF	\$35.00	0	\$0.00	0.00%	2,000.00	\$70,000.00
37	Guide Rail, including end treatments & non veg. surf.	200	LF	\$60.00	200	\$12,000.00	100.00%	0.00	\$0.00

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE	QUANTITY INSTALLED	\$ AMOUNT INSTALLED	APPROX. % COMPLETE	TOTAL INCOMPLETE QUANTITY	\$ AMOUNT INCOMPLETE
	Estimated Water System Construction Cost			\$1,605,445.50		\$1,465,376.00		Total	\$140,069.50
	20% Contingency			\$321,089.00					
	Total Performance Guarantee Estimate			\$1,926,535.00		Reduced Amounts			
	Cash Guarantee			\$192,654.00					
	(10% of Total Performance Guarantee Amount)					\$57,796.20			
	Surety Bond or Letter of Credit			\$1,733,882.00					
	(90% of Total Performance Guarantee Amount)					\$520,164.60			
	Inspection Escrow			\$80,272.00					
	5% of the Estimated Construction Cost								
	(.05 x \$277,749.00)								

NOTES:

- Unit prices used to prepare this estimate are considered valid for the six (6) month period from the date of preparation only. Later posting of required fees after MARCH 2024, will mandate re-examination and possible update of this estimate.
- The Township Engineer's office MUST be notified (732-410-2650) at least 48 hours in advance of installation of all the above improvements in order to schedule inspections.
- The entire proceeds of the bond posted may be used to guarantee any one line item in this bond estimate. The Township is not bound to the line item estimates herein in case the reasonable cost of installation of any line item exceeds the estimated cost.

PREPARED BY:

ZACHARY JORDAN, PE, CME
TOWNSHIP CONSULTING ENGINEER

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

📞 609-549-8990
📠 609-549-5043

DastiLaw.com

Jeffrey D. Cheney
Brian R. Clancy
Brigit P. Zahler*
Christopher A. Khatami
*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-355

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE SANITARY SEWER IMPROVEMENT
PERFORMANCE GUARANTEE FOR
OCEAN ACRES PHASE 11**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of sanitary sewer system improvement performance guarantee (PB00459500067) for a project known as Ocean Acres Phase 11 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated August 30, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 11 sanitary sewer system improvements (PB00459500067). The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pippi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 11
Site Bond # PB00459500054
Water Bond # PB00459500068
Sewer Bond # PB00459500067

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 11** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
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Barnegat, NJ 08005
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F: 609.607.9550

wgaps.com
waltershomes.com

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ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLA, PE, CME

August 30, 2023

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

**Re: Request for Release of Performance Guarantee
Sanitary Sewer System Improvements
Ocean Acres – Phase 11
Applicant: Walters Development Co.
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection relative to the developer's request that the sewer system improvements performance bond be released. Our inspection has revealed that all items have been installed in a satisfactory manner. However, we note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

The Applicant has not yet completed gravity sewer testing, cleaning and video inspection, as per performance guarantee estimate.

In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Sanitary Sewer System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.



Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 11
Bond Release Request

August 30, 2023
Our File No. VBGU0092.01
Page 2

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

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DastiLaw.com

Jeffrey D. Cheney
Brian R. Clancy
Brigit P. Zahler*
Christopher A. Khatami
*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-356

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE WATER SYSTEM IMPROVEMENTS
PERFORMANCE GUARANTEE FOR
OCEAN ACRES PHASE 11**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of the performance guarantee for water system improvements (PB00459500068) for a project known as Ocean Acres Phase 11 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated August 30, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 11 water system improvements (PB00459500068). The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 11
Site Bond # PB00459500054
Water Bond # PB00459500068
Sewer Bond # PB00459500067

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 11** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

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JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLO, PE, CME

August 30, 2023

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

**Re: Request for Release of Performance Guarantee
Water System Improvements
Ocean Acres – Phase 11
Applicant: Walters Development Co.
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection relative to the developer's request that the water system improvements performance bond be released. Our inspection has revealed that all items have been installed in a satisfactory manner. However, we note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Water System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.

Once the as-built plans have been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the about of \$41,798.56 which is 15% of the original estimated construction cost of \$278,657.09.

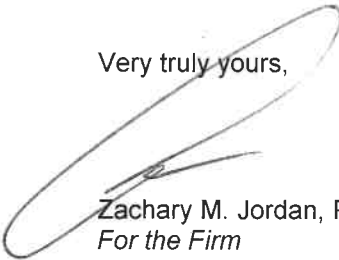


Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres - Phase 11
Bond Release Request

August 30, 2023
Our File No. VBGU0092.01
Page 2

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,



Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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DastiLaw.com

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

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-357

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE PERFORMANCE GUARANTEE FOR SITE
IMPROVEMENTS FOR OCEAN ACRES PHASE 15**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of the performance guarantee for site improvements (PB00459500112) for a project known as Ocean Acres Phase 15 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated September 1, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 15 site improvements (PB00459500112). The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 15
Site Bond # PB00459500112
Water Bond # PB00459500115
Sewer Bond # PB00459500114

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 15** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

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ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLO, PE, CME

September 1, 2023

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

**Re: Request for Release of Site Performance Guarantee
Site Improvements
Ocean Acres – Phase 15
Applicant: Walters Development Co.
Our File No. VBGP0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection of the above-referenced project relative to the developer's request for a release of the performance guarantee for the required site improvements. We note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted.

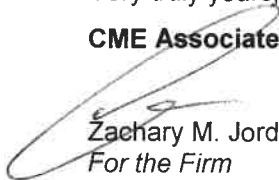
Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

Be advised that there has been substantial completion of the required site improvements at this site. However, we cannot recommend release of the performance guarantee at this time for there are items that remain to be completed.

As permitted by the Municipal Land Use Law, our office will not recommend any further reductions to the performance guarantee amounts for this project until the as-builts have been submitted and approved and all of the required work has been completed and accepted by the Township.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,
CME Associates


Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

S:\Barnegat\Site Inspections\VBGE0092.01 Ocean Acres Phase 15\Bond Release\Site Bond Release Denial and Reduction 23-08-30.docx

PERFORMANCE GUARANTEE AND ENGINEERING & INSPECTION ESCROW ESTIMATE

PROJECT: Site Improvements
Ocean Acres Development - Phase 15
Barnegat Township, Ocean County, New Jersey

APPLICANT: Walters Development Co., LLC
500 Barnegat Boulevard North, Building 100
Barnegat, NJ 08005



CONSULTING AND MUNICIPAL ENGINEERS
849 W. Bay Avenue, Suite 16, Barnegat NJ 08005
Phone: (732) 410-2650 Fax: (609) 698-1680

Plans used to prepare this estimate are comprised of twenty nine (29) sheets prepared by John W. Kornick, PE with K2 Consulting Engineers, Inc. of Haddonfield, NJ and bearing a latest revision date of February 22, 2022.

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE	QUANTITY INSTALLED	\$ AMOUNT INSTALLED	APPROX. % COMPLETE	TOTAL INCOMPLETE QUANTITY	\$ AMOUNT INCOMPLETE
1	Clearing & Grubbing (ROW Imp. & Storm Drainage Areas)	6.35	Acre	\$5,000.00	3	\$15,875.00	50.00%	3.18	\$15,875.00
1	Clearing & Grubbing (Remainder of Lots)	4.66	Acre	\$5,000.00	2	\$11,650.00	50.00%	2.33	\$11,650.00
2	Belgian Block Curb	3,600	LF	\$16.00	3,420	\$54,720.00	95.00%	180.00	\$2,880.00
3	4" Thick Concrete Sidewalk (Offsite to Nautilus)	135	SY	\$36.00	85	\$3,060.00	62.96%	50.00	\$1,800.00
4	1.5" FABC Surface Course	6,150	SY	\$5.75	0	\$0.00	0.00%	6,150.00	\$35,362.50
5	4.5" Stabilized Base Course	6,150	SY	\$17.00	6,150	\$104,550.00	100.00%	0.00	\$0.00
6	6" Gravel Base Course	6,150	SY	\$7.00	6,150	\$43,050.00	100.00%	0.00	\$0.00
7	Street Light, 25 ft Height, 400W	11	EA	\$3,700.00	8	\$29,600.00	72.73%	3.00	\$11,100.00
8	Street/Stop/No Outlet, Signs	6	EA	\$300.00	6	\$1,800.00	100.00%	0.00	\$0.00
9	Yard Inlet (0'-8' Depth)	9	EA	\$1,200.00	9	\$10,800.00	100.00%	0.00	\$0.00
10	Type B Inlet (0'-8' Depth)	6	EA	\$1,600.00	6	\$9,600.00	100.00%	0.00	\$0.00
11	Type B Inlet (0'-8' Depth) w/ baffle wall	5	EA	\$2,400.00	5	\$12,000.00	100.00%	0.00	\$0.00
12	Type B Inlet (8'-10' Depth)	4	EA	\$2,600.00	4	\$10,400.00	100.00%	0.00	\$0.00
13	Type B Inlet (8'-10' Depth) w/ baffle wall	3	EA	\$2,600.00	3	\$7,800.00	100.00%	0.00	\$0.00
14	Type B Inlet (10'-12' Depth)	4	EA	\$2,600.00	4	\$10,400.00	100.00%	0.00	\$0.00
15	Type B Inlet (12'-14' Depth)	1	EA	\$2,800.00	1	\$2,800.00	100.00%	0.00	\$0.00
16	Type B Inlet (12'-14' Depth) w/ baffle wall	1	EA	\$2,800.00	1	\$2,800.00	100.00%	0.00	\$0.00
17	Storm Manhole (0'-8' Depth)	1	EA	\$2,800.00	1	\$2,800.00	100.00%	0.00	\$0.00
18	Storm Manhole (8'-12' Depth)	2	EA	\$3,000.00	2	\$6,000.00	100.00%	0.00	\$0.00
19	15" HDPE Pipe (0'-8' depth)	484	LF	\$22.00	484	\$10,648.00	100.00%	0.00	\$0.00
20	15" RCP (0'-8' depth)	402	LF	\$28.00	402	\$11,256.00	100.00%	0.00	\$0.00
21	18" HDPE (8'-10' depth)	15	LF	\$57.00	15	\$855.00	100.00%	0.00	\$0.00
22	18" HDPE (10'-12' depth)	65	LF	\$57.00	65	\$3,705.00	100.00%	0.00	\$0.00
23	24" Perf HDPE (w/ filter fabric & stone) (0'-8' depth)	20	LF	\$64.00	20	\$1,280.00	100.00%	0.00	\$0.00
24	24" Perf HDPE (w/ filter fabric & stone) (8'-10' depth)	27	LF	\$68.00	27	\$1,836.00	100.00%	0.00	\$0.00
25	24" HDPE (0'-8' depth)	30	LF	\$72.00	30	\$2,160.00	100.00%	0.00	\$0.00
26	24" HDPE (10'-12' depth)	10	LF	\$72.00	10	\$720.00	100.00%	0.00	\$0.00
27	60" Perforated HDPE (w/ filter fabric & stone) (0'-8' depth)	55	LF	\$203.00	55	\$11,165.00	100.00%	0.00	\$0.00
28	60" Perforated HDPE (w/ filter fabric & stone) (8'-10' depth)	420	LF	\$213.00	420	\$89,460.00	100.00%	0.00	\$0.00
29	60" Perforated HDPE (w/ filter fabric & stone) (10'-12' depth)	28	LF	\$223.00	28	\$6,244.00	100.00%	0.00	\$0.00
30	Dual 60" Perforated HDPE (w/ filter fabric & stone) (8'-10' depth)	80	LF	\$450.00	80	\$36,000.00	100.00%	0.00	\$0.00
31	Dual 60" Perforated HDPE (w/ filter fabric & stone) (10'-12' depth)	360	LF	\$470.00	360	\$169,200.00	100.00%	0.00	\$0.00
32	Dual 60" Perforated HDPE (w/ filter fabric & stone) (12'-14' depth)	15	LF	\$490.00	15	\$7,350.00	100.00%	0.00	\$0.00
33	60" HDPE (8'-10' depth)	80	LF	\$100.00	80	\$8,000.00	100.00%	0.00	\$0.00
34	60" HDPE (10'-12' depth)	360	LF	\$150.00	360	\$54,000.00	100.00%	0.00	\$0.00
35	60" HDPE (12'-14' depth)	15	LF	\$200.00	15	\$3,000.00	100.00%	0.00	\$0.00
36	Concrete Headwalls	3	UN	\$2,000.00	3	\$6,000.00	100.00%	0.00	\$0.00

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE	QUANTITY INSTALLED	\$ AMOUNT INSTALLED	APPROX. % COMPLETE	TOTAL INCOMPLETE QUANTITY	\$ AMOUNT INCOMPLETE
37	Scour Holes (6W x 4'L x 2'D)	3	UN \$10,000.00	\$30,000.00	3	\$30,000.00	100.00%	0.00	\$0.00
38	Retaining Wall	195	SF \$100.00	\$19,500.00	195	\$19,500.00	100.00%	0.00	\$0.00
39	Chain Link Fence	65	LF \$50.00	\$3,250.00	65	\$3,250.00	100.00%	0.00	\$0.00
40	Topsoil, Fertilize and Sod (within ROW)	1,800	SY \$8.50	\$15,300.00	1,350	\$11,475.00	75.00%	450.00	\$3,825.00
Estimated Water System Construction Cost				\$909,301.50	\$826,809.00		Total		\$82,492.50
20% Contingency				\$181,860.00	Reduced Amounts				
Total Performance Guarantee Estimate				\$1,091,162.00	\$327,348.60		Percent of Work Remaining		9.07%
Cash Guarantee (10% of Total Performance Guarantee Amount)				\$109,116.00	\$32,734.80				
Surety Bond or Letter of Credit (90% of Total Performance Guarantee Amount)				\$982,046.00	\$294,613.80				
Inspection Escrow 5% of the Estimated Construction Cost (-05 x \$277,749.00)				\$45,465.00					

NOTES:
 1. Unit prices used to prepare this estimate are considered valid for the six (6) month period from the date of preparation only. Later posting of required fees after MARCH 2024, will mandate re-examination and possible update of this estimate.
 2. The Township Engineer's office MUST be notified (732-410-2650) at least 48 hours in advance of installation of all the above improvements in order to schedule inspections.
 3. The entire proceeds of the bond posted may be used to guarantee any one line item in this bond estimate. The Township is not bound to the line item estimates herein in case the reasonable cost of installation of any line item exceeds the estimated cost.

PREPARED BY:

ZACHARY JORDAN, PE, CME
TOWNSHIP CONSULTING ENGINEER

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

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☎ 609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-358

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE SANITARY SEWER IMPROVEMENT
PERFORMANCE GUARANTEE FOR
OCEAN ACRES PHASE 15**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of sanitary sewer system improvement performance guarantee (PB00459500114) for a project known as Ocean Acres Phase 15 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated September 1, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 15 sanitary sewer system improvements (PB00459500114). The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

DASTI STAIGER

ATTORNEYS AT LAW

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

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 15
Site Bond # PB00459500112
Water Bond # PB00459500115
Sewer Bond # PB00459500114

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 15** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
Building 100
Barnegat, NJ 08005
O: 609.607.9500
F: 609.607.9550

wgapts.com
waltershomes.com

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DAVID J. SAMUEL, PE, PP, CME
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ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLO, PE, CME

September 1, 2023

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

**Re: Request for Release of Performance Guarantee
Sanitary Sewer System Improvements
Ocean Acres – Phase 15
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a sanitary sewer system inspection of the above-referenced project relative to the developer's request for a release of the performance guarantee for the required sanitary sewer improvements.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

Be advised that there has been substantial completion of the required sanitary sewer improvements at this site. However, we cannot recommend release of the performance guarantee at this time as the sanitary sewer improvements have not been completed in a satisfactory matter. The following punch list items must be corrected prior to the release of the performance bond:

- Set sanitary cleanout to appropriate elevation with brass cap
 - 13 Staysail Avenue
 - 35 Phoebe Drive
 - 36 Phoebe Drive
 - 25 Phoebe Drive
- 22 Phoebe Drive to 17 Phoebe Drive
 - Pipe holding water between 72 feet and 92 feet away from manhole at 22 Phoebe Drive.
 - Grease buildup in various locations.
- 22 Phoebe Drive to 26 Phoebe Drive
 - Pipe holding water between 0 feet and 22 feet away from manhole at 22 Phoebe Drive.
 - Pipe holding water between 90 feet and 96 feet away from manhole at 22 Phoebe Drive.
- 26 Phoebe Drive to 30 Phoebe Drive
 - Pipe holding water between 72 feet and 86 feet away from manhole at 26 Phoebe Drive.
 - Grease block in manhole at 30 Phoebe Drive.
- 17 Staysail Avenue to 14 Staysail Avenue
 - Pipe holding water between 0 feet and 25 feet away from manhole at 17 Staysail Avenue.
- 14 Staysail Avenue to 8 Staysail Avenue
 - Pipe holding water between 0 feet and 10 feet away from manhole at 14 Staysail Avenue.
 - Pipe holding a lot water between 167 feet and 192 feet away from manhole at 14 Staysail Avenue.
- 17 Phoebe Drive to 16 Phoebe Drive
 - Pipe holding water between 13 feet and 36 feet away from manhole at 17 Phoebe Drive.

S:\Barnegat\Water & Sewer Inspections\VBGU0092.01 Ocean Acres Phase 15\Bond Release Letter\23-08-30 Phase 15 Sewer Bond Release Denial.docx

CONSULTING AND MUNICIPAL ENGINEERS
NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000

849 W. BAY AVENUE, SUITE 16 • BARNEGAT, NEW JERSEY 08005 • (732) 410-2650 • FAX: (609) 698-1680



Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 15
Bond Release Request

September 1, 2023
Our File No. VBGU0092.01
Page 2

- 30 Phoebe Drive to 17 Staysail Avenue
 - Pipe holding water between 0 feet and 20 feet away from manhole at 30 Phoebe Drive.
- 30 Phoebe Drive to 35 Phoebe Drive
 - Pipe is back pitched between 0 feet and 116 feet away from manhole at 30 Phoebe Drive and is holding water.
 - Manhole at 30 Phoebe Drive is back pitched.
- 35 Phoebe Drive to 39 Phoebe Drive
 - Pipe holding water between 30 feet and 60 feet away from manhole at 35 Phoebe Drive.

We note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted. In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Sanitary Sewer System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.

Once the as-built plans have been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the amount of \$20,323.73 which is 15% of the original estimated construction cost of \$135,491.50.



Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 15
Bond Release Request

September 1, 2023
Our File No. VBGU0092.01
Page 3

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

☎ 609-549-8990
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DastiLaw.com

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

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023-359

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUEST TO
RELEASE WATER SYSTEM IMPROVEMENTS
PERFORMANCE GUARANTEE FOR
OCEAN ACRES PHASE 15**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Developer Walters Development Co. (“the Developer”) for the reduction or release of the performance guarantee for water system improvements (PB00459500115) for a project known as Ocean Acres Phase 15 (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has completed a site inspection of the property and issued a review memorandum dated September 1, 2023, a copy of which is attached hereto and made a part hereof, recommending that no further reduction or release of the performance guarantee be approved at this time; and

WHEREAS, the Township accepts the recommendations of its professional staff; and

NOW THEREFORE BE IT RESOLVED this 3rd day of October 2023 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township denies the request for reduction or release of the performance guarantee for Ocean Acres Phase 15 water system improvements (PB00459500115). The Developer shall complete all the remaining punch list items, submit the as-built plans, and resubmit for requested release of the performance guarantee.

DASTI STAIGER

ATTORNEYS AT LAW

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

2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Dept.
- (g) Kurt Otto, PE, Township Engineer
- (h) Zachary M. Jordan, CME Associates
- (i) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI STAIGER
ATTORNEYS AT LAW

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



July 18, 2023

Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attention: Donna Manno, Municipal Clerk

Re: Ocean Acres Phase 15
Site Bond # PB00459500112
Water Bond # PB00459500115
Sewer Bond # PB00459500114

Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the site, water and sewer improvements for the **Ocean Acres Phase 15** project have been completed and the bonds can be released.

In accordance with the statute, we are requesting the municipal engineer to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,

Kevin Price
Chief Financial Officer

KP:mmr

cc: Mr. Martin Lisella, Township Administrator
Christopher Dasti, Esq., Township Attorney
Mr. Thomas Lombarski, Chief Financial Officer
Mr. Kurt J. Otto, PE, PP, CFM
Mr. David M. Barry, PE

Corporate Office

500 Barnegat Blvd. North
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ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME
KEITH CHIARAVALLA, PE, CME

September 1, 2023

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

**Re: Request for Release of Performance Guarantee
Water System Improvements
Ocean Acres – Phase 15
Applicant: Walters Development Co.
Our File: VBGU0092.01**

Dear Mrs. Manno:

In accordance with your request, our office has performed a water supply system inspection of the above-referenced project relative to the developer's request for a release of the performance guarantee for the required water supply improvements.

Please note the request was not accompanied by the required documentation. Section 55-123.F.(1) of the Township Code requires bond reduction/release requests to be preceded or accompanied by complete as-built drawings indicating location, profile, size of all site, stormwater, water, sanitary, and all other improvements and utilities, including service connections. To date, the Applicant has not yet submitted an acceptable as-built plans, GIS, PDF, and hard copy formats.

Be advised that there has been substantial completion of the required water supply improvements at this site. However, we cannot recommend release of the performance guarantee at this time as the water supply improvements have not been completed in a satisfactory matter. The following punch list items must be corrected prior to the release of the performance bond:

- Unable to locate and inspect water service
 - 15 Staysail Avenue
 - 17 Staysail Avenue
 - 34 Phoebe Drive
- Water service above grade
 - 35 Phoebe Drive
 - 25 Phoebe Drive
- Water service below grade
 - 36 Phoebe Drive

We note that the maximum reduction to 30% of the original performance guarantee amount has already been approved. As per Municipal Land Use Law, reductions are not permitted until all improvements have been completed and accepted. In addition, prior to the performance guarantee being released, the Applicant must address the following items as set forth in the Water System Rules and Regulations:

- The Applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The Applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").



Donna Manno, Municipal Clerk
Township of Barnegat
Re: Ocean Acres – Phase 15
Bond Release Request

September 1, 2023
Our File No. VBGU0092.01
Page 2

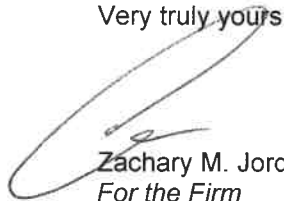
- The Applicant must submit an affidavit that all contractors, subcontractors and materialmen have been paid (Exhibit "F").

Based on the above, our office has determined that no further bond reduction, or release, can be approved at this time.

Once the as-built plans have been submitted and approved and the outstanding punch list items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the about of \$15,453.00 which is 15% of the original estimated construction cost of \$103,020.00.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,



Zachary M. Jordan, PE
For the Firm

ZMJ/rd/cc
Enclosure

cc: Martin J. Lisella, Administrator
Thomas Lombarski, CFO
Kurt Otto, PE, Township Engineer
Roger Budd, Water and Sewer Utility Manager
Christine Roessner, Township Finance Office
Christopher Dasti, Esq., Township Attorney
Walters Development Co., Applicant

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

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DastiLaw.com

Jeffrey D. Cheney
Brian R. Ciancy
Brigit P. Zahler*
Christopher A. Khatami

*Also admitted in NY

File No.: GL-2129

September 21, 2023

Via Email

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

**Re: Resolutions for Sanitary Sewer Systems, Water Systems and Site
Improvements for Ocean Acres Phases 9, 10, 11 and 15**

Dear Donna:

Enclosed please find resolutions with regard to the above referenced matters. They can be placed on the agenda at the next Township Committee meeting.

If you have any questions or need anything further, please contact me.

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME-via email

RESOLUTION NO. 2023 -360

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING RELEASE OF
PERFORMANCE GUARANTEE TO SHORE SAND
AND GRAVEL AND POSTING OF A NEW
PERFORMANCE GUARANTEE FOR ROUTE 72
SAND MINE LLC FOR PROPERTY KNOWN AS
560 ROUTE 72, BARNEGAT, NJ**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") has received correspondence from counsel for the new property owner Route 72 Sand Mine LLC posting a Performance Guarantee cash portion check in the amount of \$96,420.00 and Performance Surety Bond No. S-25849595 in the amount of \$867,834.00; and

WHEREAS, Rt. 72 Sand Mine LLC is now the owner of 560 Route 72, Barnegat Township, New Jersey ("the Property") and in posting their Performance Guarantees has requested that the previous owner's Performance Guarantee be released to Sure Sand and Gravel; and

WHEREAS, the correspondence from the attorney for Route 72 Sand Mine LLC and the attached documents are attached hereto and made a part hereof; and

WHEREAS, the Township has reviewed the documentation and finds it necessary and appropriate to accept the posting of a Performance Guarantee by Route 72 Sand Mine LLC and a release of the existing Performance Guarantee posted by the previous owner Shore Sand and Gravel as well as a release of any escrows previously deposited by Shore Sand and Gravel; and

DASTI STAIGER
ATTORNEYS AT LAW

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

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of October, 2023 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township hereby accepts the posting of the Performance Guarantee by Route 72 Sand Mine LLC in the amount of \$96,426.00 cash portion and Surety Bond S-258495 in the amount of \$867,834.00.

2. The Township hereby authorizes the release of the existing Performance Guarantee and/or escrows posted by the former property owner Shore Sand and Gravel to the former owner.

3. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Mayor Pasquale Pipi
- (b) Martin Lisella, Township Administrator
- (c) Tom Lombarski, CFO
- (d) Christine Roessner, Finance Office
- (e) Jason Worth, PE, T&M Associates, Planning Board Engineer
- (f) Kurt Otto, PE, Township Engineer
- (g) Christopher J. Dasti, Esq., Township Attorney
- (h) Steven P. Gouin, Esq., Attorney for Route 72 Sand Mine LLC
- (i) William Skinner, Esq., Attorney for Shore Sand and Gravel

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

609-549-8990
609-549-5043

DastiLaw.com

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

*Also admitted in NY

File No.: GL-2555

September 15, 2023

Via Email

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

**Re: Resolution Authorizing Release of Performance Guarantee and Posting of
A New Performance Guarantee for Route 72 Sand Mine LLC**

Dear Donna:

Enclosed please find a resolution with regard to the above referenced matter. It can be placed on the agenda for the next Township Committee meeting.

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

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-via email

GIORDANO, HALLERAN & CIESLA, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
WWW.GHCLAW.COM

STEVEN P. GOUIN, ESQ.
SHAREHOLDER
ALSO ADMITTED TO PRACTICE IN NY
SGOUIN@GHCLAW.COM
DIRECT DIAL:(732) 219-5498

Please Reply To:
125 HALF MILE ROAD
SUITE 300
RED BANK, NJ 07701
(732) 741-3900
FAX: (732) 224-6599

September 14, 2023

Client/Matter No. 23360-1

VIA E-MAIL AND REGULAR MAIL

Ms. Donna M. Manno
Municipal Clerk
Barnegat Township
900 West Bay Avenue
Barnegat, NJ 08005
Email: clerk@barnegat.net

**Re: Route 72 Sand Mine, LLC
Transfer of Mining Permit No. 2022-01
560 Route 72, Barnegat Township, Ocean County, NJ**

Dear Ms. Manno:

I am following up on my prior correspondence on this matter. As you know, this firm represents Route 72 Sand Mine, LLC. On July 28, 2023, my client acquired the Shore Sand and Gravel resource extraction (sand mining) facility from Shore Sand & Gravel, LLC. My client is now the new owner of the facility and the property on which the facility is located.

Enclosed for your use are the following:

1. Check in the amount of \$96,426.00 for the cash portion of the performance guarantee required for the mining operation;
2. Performance Surety Bond #S-258495 in the amount of \$867,834.00; and
3. Application for Renewal of Soil Removal Permit.

Please coordinate with Jason Worth, PE to ensure the timely issuance of the renewed mining permit for this property. We understand that there is an existing cash performance guarantee posted with the Township of Barnegat in the amount of approximately \$97,903.21. That cash guarantee is posted in the name of Shore Sand and Gravel, the former owner of the property. The Township should adopt an appropriate resolution releasing Shore's posted guarantee and replacing it with Route 72 Sand Mine, LLC's guarantee that is enclosed.

GIORDANO, HALLERAN & CIESLA
A Professional Corporation
ATTORNEYS-AT-LAW

Ms. Donna M. Manno
September 14, 2023
Page 2

I will note that there is likely also a professional review escrow account established for Shore Sand and Gravel that should also be released by the Township and refunded to Shore Sand. If you could let me know the amount to replenish that escrow, I will get you a new escrow check from Route 72 Sand Mine, LLC.

I am copying Bill Skinner, Esq., who represents Shore Sand. To the extent anything is needed from him or Shore Sand, he can help coordinate. His phone number is 856-701-8898.

I can also be contacted to the extent anything additional is required.

Thank for your assistance with this.

Very truly yours,



STEVEN P. GOUIN

SPG/aep

cc: Brandon Rose (via email)
William Skinner, Esq. (via email)
Jason Worth, P.E. (via email)
Christopher Dasti, Esq. (via email)

#10124775v1

TOWNSHIP OF BARNEGAT, NJ

DATE RECEIVED _____

JURISDICTION _____

COMPLETE APPLICATION _____

APPLICATION FOR RENEWAL
OF SOIL REMOVAL PERMIT

DECISION BEFORE _____

TIME EXTENDED TO _____

DATE February 20, 2023

FILE NO. _____

DATE OF ACTION _____

FOR OFFICE USE ONLY

The undersigned, as Owner and Authorized Agent (if any) of the below described property hereby make application to the Township of Barnegat for the renewal of a Soil Mining or Removal Permit and supplies the following information:

A. Description of Property:
Address: Shore, Sand & Gravel, LLC 560 Route 72, Barnegat, NJ 08005
Tax Map Sheet No: 6 Block: See attached Lot: See attached
Block: _____ Lot: _____

B. Owner (s) 72 Sand Mine, LLC
Address: 544 Mount Hope Road
Wharton, NJ 07885
Telephone: (917)991-1303

C. Authorized Agent: Name: Brandon Rose, Member
72 Sand Mine, LLC
Address: 544 Mount Hope Road, Wharton, NJ 07885
Telephone: (917)991-1303

D. Attorney: Name: Steven P. Gouin, Esquire
c/o Giordano, Halleran & Ciesla, PC - Attorneys for Applicant
Address: 125 Half Mile Road, Suite 300 Red Bank NJ 07701
Telephone: (732)224-6565

E. Engineer Preparing Plan: Name: K2 Consulting Engineers, Inc.
Address: 36 Tanner Street, Suite 100, Haddonfield, NJ 08033
Telephone: (856) - 310 - 5205

F. Supplemental Information:
1. Date of Issuance of Previous Permit: November 16, 2020
2. Expiration Date of Present Permit: November 16, 2023
3. Size of tract to be mined: 60.13 Acres
4. Percent of total tract to be soilmined:
Percent mined to date: 12 +/- %
Percent to be mined via this permit request: 12 +/- %
Total percent mined if this permit is granted: 12 +/- %
5. Cubic yards of material to be removed:
Topsoil 0.01 million
Other 0.75 million (describe) sand & gravel & clay
Total 0.751 million
6. Commencement date of proposed operation: Prior to 1981
7. Completion date of proposed operation To be determined

8. Number and type of vehicles and equipment to be used or stored on site:
 Trucks 5-10 dump trucks
 Loaders 2-3
 Other, describe in detail 3 Excavators, 2 bulldozers, 3-5 offroad end dumps, 1-2 soil screeners, 2-soil wash plants fuel truck and water truck

9. Submit certificate from Township Assessor that taxes are current to date:
 Submitted: Yes x No _____

10. Time of operations:
 Daily Starting Time: 6:00 AM to 7:00 PM

11. Protective measures to be employed to keep unauthorized persons from access to the property (e.g. fencing and height)
 Describe: Gates on access roads

12. Equipment and/or method to be employed in cleaning public streets
 Describe: None

G. Exhibits Submitted with Application:

1. Two (2) copies of application form
2. Two (2) copies of Map of Area for Soil Mining or Removal
3. Two (2) copies of required key map at a scale of 1"=1,000'
4. Two (2) copies of Soil Erosion and Sedimentation Control Plan (SCS Plan)

H. *Renewal Permit Fee:* **\$1,500.00 (non-refundable administration fee)**
Renewal Escrow Fee: **\$1,500.00 plus \$10.00 per acre**
 (To be submitted with application, payable to the Township of Barnegat, by cash, bank money order, certified check)

Surety Company from whom Performance Bond will be obtained:

Cash Performance Guarantee (\$96,426.00)

NAME	ADDRESS	TELEPHONE
------	---------	-----------

I. Individual (s) who will be responsible for conformance with permit issued and ordinance requirements and 24-hour telephone number where individual can be reached:

Brandon Rose c/o 72 Sand Mine LLC 544 Mount Hope Road, Wharton, NJ 07885 (917)991-1303

NAME	ADDRESS	24-HOUR TELEPHONE
------	---------	-------------------

J. Excavator/Contractor actually performing work and his/her 24-hour telephone number:

Brandon Rose c/o 72 Sand Mine LLC 544 Mount Hope Road, Wharton, NJ 07885 (917)991-1303

NAME	ADDRESS	24-HOUR TELEPHONE
------	---------	-------------------

§ 65A-8. Fees. [Amended in entirety 10-16-89 by Ord. No. 1989-32; 11-18-91 by Ord. No. 1991-42]

A. Application fees. The applicant shall, at the time of filing an application for a new or renewal mining permit, pay a nonrefundable administration fee of one thousand five hundred dollars (\$1,500.) to the Township of Barnegat by certified check or bank money order. In addition, the applicant shall upon filing an application, pay an escrow fee to the township by certified check or money order based upon the schedule set forth below.

(1) New application fee.

(a) 0 to 30 acres - \$2,500. plus \$50. per acre.

(b) 31 to 60 acres - \$4,000. plus \$35. per acre over 30 acres.

(c) 61 acres and greater - \$5,000. plus \$20. per acre over 60 acres.

(2) Renewal fee - \$1,500. plus \$10. per acre.

(3) The fees set forth herein are promulgated on the basis of the applicant submitting completed application and plans in conformance with the applicable ordinance provisions. These fees are based upon an initial review by the township or Planning Board professionals together with one (1) subsequent review to verify that the applicant has complied with the various items stated in the report of the professionals. Any further submissions required on the behalf of the applicant shall



Township of Barnegat, NJ

Application for Renewal of Soil Removal Permit

Granted to: Shore, Sand & Gravel, Inc.

Description of Property Blocks and Lots

Block: <u>42</u>	Lot: <u>2, 5.02, 9 & 9.01</u>
Block: <u>43</u>	Lot: <u>3, 4, 5, 8 & 9.03</u>
Block: <u>43.01</u>	Lot: <u>9</u>
Block: <u>44</u>	Lot: <u>2 & 3</u>

Block(s) 42: 43: 43.01: 44

Lot(s) 2, 5.02, 9: 3-5, 8, 9.03: 9: 2, 3

PERFORMANCE SURETY BOND

Bond# S-258495

We, Route 72 Sand Mine, LLC, having offices at 544 Mount Hope Rd., Wharton, NJ 07885, as principal, and NGM Insurance Company, having offices at 4601 Touchton Road East, Suite 3400, Jacksonville, FL 32246-4486, a corporation duly licensed to transact a surety business in the State of New Jersey, as surety, are indebted to the municipality of Barnegat Township in the county of Ocean, NJ, obligee, in the sum of Eight Hundred Sixty Seven Thousand Eight Hundred Thirty Four and 00/100 Dollars (\$867,834.00), for which payment we bind ourselves and our respective heirs, legal representatives, successors, and assigns, jointly and severally.

On May 23, 2023, principal was granted approval by the Planning Board of the Township of Barnegat for Application No. PB-15-09 for a renewal of a soil removal permit and amended site plan approval. The estimate by the municipal engineer of the cost of this work and the resolution of approval are attached hereto and made a part hereof. Pursuant to municipal ordinance, adopted under authority of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the principal hereby furnishes a performance surety bond in the amount of Eight Hundred Sixty Seven Thousand Eight Hundred Thirty Four and 00/100 Dollars (\$867,834.00), written by NGM Insurance Company, a surety licensed in the State of New Jersey, guarantying full and faithful completion of improvements approved by the approving authority, in lieu of completing the required improvements prior to the granting of final approval. This bond shall remain in full force and effect until such time as all improvements covered by the bond have been approved or accepted by resolution of the municipal governing body, except that in those instances where some of the improvements are approved or accepted by resolution of the governing body upon certification by the municipal engineer, partial release from the bond shall be granted in accordance with N.J.S.A. 40:55D-53. The amount of the bond remaining shall be sufficient to secure provision of the improvements not yet approved; provided, however, that the municipality may require that 30 percent of the amount of the bond be retained to ensure completion of all improvements.

This bond shall remain in full force and effect until released by resolution of the municipal governing body.

This bond is issued subject to the following expressed conditions:

1. This bond shall not be subject to cancellation either by the principal or by the surety for any reason until such time as all improvements subject to the bond have been accepted by the municipality, in accordance with the applicable provisions of the Municipal Land Use Law.
2. This bond shall be deemed to be continuous in form and shall remain in full force and effect until the improvements are accepted by the municipality and the bond is

released, or until default is declared, or until the bond is replaced by another bond meeting applicable legal requirements. Upon approval or acceptance of all improvements by the municipality, or upon replacement of this bond by another bond, liability under this bond shall cease. Upon approval or acceptance of some, but not all, of the required improvements by the municipality, partial release from the bond shall be granted in accordance with N.J.S.A. 40:55D-53; provided, however, that the portion of the bond amount sufficient to secure completion of the improvements shall continue in effect and the municipality may retain 30 percent of the bond amount posted in order to ensure such completion.


3. The aggregate liability of the surety shall not exceed the sum set forth above.
4. In the event that the improvements subject to this bond are not completed within the time allowed under the conditions of the final approval issued pursuant to the Municipal Land Use Law, including such extensions as may be allowed by the approving authority, the municipal governing body may, at its option, and upon at least 30 days prior written notice to the principal and to the surety by personal delivery or by certified or registered mail or courier, declare the principal to be in default and, in the event that the surety fails or refuses to complete the work in accordance with the terms and conditions of the original approval, claim payment under this bond for the cost of completion of the work. In the event that any action is brought against the principal under this bond, written notice of such action shall be given to the surety by the municipality by personal delivery or by registered or certified mail or courier at the same time.
5. The surety shall have the right to complete the work in accordance with the terms and conditions of the original approval, either with its own employees or in conjunction with the principal or another contractor; provided, however, that the surety, in its sole discretion, may make a monetary settlement with the municipality as an alternative to completing the work.
6. In the event that the principal and the approving authority agree to changes in the scope of work, the obligations of the surety under this bond shall not be affected so long as the cost of the work does not exceed 120 percent of the municipal engineer's certified estimate, attached hereto and made a part hereof, which 120 percent of the estimate shall be the limit of the surety's obligation under this bond in any case. If the cost of the work exceeds 120 percent of the certified estimate, the principal shall secure a rider from a surety for the additional amount; provided, however, that this provision shall not be construed as requiring a surety to provide additional coverage.
7. This bond shall inure to the benefit of the municipality only and no other party shall acquire any rights hereunder.
8. In the event that this bond shall for any reason cease to be effective prior to the approval or acceptance of all improvements, a cease and desist order may be issued

by the governing body, in which case all work shall stop until such time as a replacement guarantee acceptable to the approving authority becomes effective.

Date: September 6th, 2023

Witness/Attest:  _____

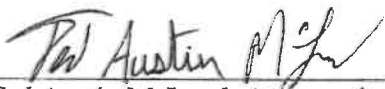
Principal: Route 72 Sand Mine, LLC



Brandon Rose, Managing Member

Witness/Attest:  _____

Surety: NGM Insurance Company



Ted Austin McCloud, Attorney-in-Fact

Surety Disclosure Statement and Certification

Pursuant to N.J.S.A. 2A:44-143

(For use when Surety has a certificate from U.S. Secretary of the Treasury in accordance with 31 U.S.C. Section 9305)

NGM Insurance Company, Surety on the attached bond, hereby certifies the following:

- 1) The capital and surplus, as determined in accordance with the applicable laws of this State, of the Surety participating in the issuance of the attached bond is in the following amounts as of the calendar year ended December 31, 2022 (most recent calendar year which capital and surplus amounts are available), which amounts have been certified by is PricewaterhouseCoopers LLP, One North Wacker, 11th Floor, Chicago, IL 60606

<u>Surety Company</u>	<u>Capital</u>	<u>Surplus</u>
NGM Insurance Company	\$5,250,000	\$600,023,203

- 2) With respect to each surety participating in the issuance of the attached bond that has received from the U.S. Secretary of the Treasury, a certificate of authority: pursuant to 31 U.S.C. Section 9305, the underwriting limitation established there on July 1, 2023 (most recent calendar year available) is as follows:

<u>Surety Company</u>	<u>Limitations</u>
NGM Insurance Company	\$57,978,000

- 3) The amount of the bond to which the statement and certification is attached is \$ 867,834.00
- 4) If, by virtue of one or more contracts of reinsurance, the amount of the bond indicated under item 4 above exceeds the total underwriting limitation of all sureties on the bond as set forth in item 3 above, then for each such contract of reinsurance:
- a) The name and address of each such reinsurer under the contract and the amount of the reinsurer's participation in the contract is as follows:

<u>Reinsurer</u>	<u>Address</u>	<u>Amount</u>
------------------	----------------	---------------

And;

- b) Each surety that is party to such contract of reinsurance certifies that each reinsurer listed under item 4(a) satisfies the credit for reinsurance requirement established under P.L. 1993, c.243(C.17:51B-1 et seq.) and any applicable regulations in effect as of the date on which the bond to which this statement and certification is attached shall have been filed with the appropriate public agency.

Certificate

I, Ted Austin McLoud as Attorney in Fact, for NGM Insurance Company, a company domiciled in the State of Florida, Hereby certify that, to the best of my knowledge, the foregoing statements made by me are true, and acknowledge that, if any of those statements made by me are false, this bond is void.



(Signature of certifying agent/officer)

Ted Austin McLoud

(Print name of certifying agent/officer)

Date: 9/6/2023

Attorney in Fact



NGM INSURANCE COMPANY
A member of The Main Street America Group

POWER OF ATTORNEY

06-03119496

KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"Article IV, Section 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and authority given to them. "

does hereby make, constitute and appoint **Cheryl Pinho, Maria Rocha, Robert N Wenig, Paula Neves, Ted Austin McCloud**

its true and lawful **Attorneys-in-fact**, to make, execute, seal and deliver for and on its behalf, and as its act and deed, bonds, undertakings, recognizances, contracts of indemnity, or other writings obligatory in nature of a bond subject to the following limitation:

- 1. No one bond to exceed Five Million Dollars (\$5,000,000.00)

and to bind NGM Insurance Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of NGM Insurance Company; the acts of said Attorney are hereby ratified and confirmed.

This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977.

Voted: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the company as the original signature of such office and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Vice President, General Counsel and Secretary and its corporate seal to be hereto affixed this 7th day of January, 2020.

NGM INSURANCE COMPANY By:

Kimberly K. Law

Kimberly K. Law
Vice President, General
Counsel and Secretary



State of Florida,
County of Duval.

On this 7th day of January, 2020, before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came Kimberly K. Law of NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and she acknowledged the execution of same, and being by me fully sworn, deposed and said that she is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company; that Article IV, Section 2 of the By-Laws of said Company is now in force. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Jacksonville, Florida this 7th day of January, 2020.

Loa K. Penite



I, Nancy Giordano-Ramos, Vice President of NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this 6th day of September, 2023.

Nancy Giordano-Ramos

WARNING: Any unauthorized reproduction or alteration of this document is prohibited.
TO CONFIRM VALIDITY of the attached bond please call 1-603-354-5281.
TO SUBMIT A CLAIM: Send all correspondence to 55 West Street, Keene, NH 03431
Attn: Bond Claim Dept. or call our Bond Claim Dept. at 1-603-358-1437.





I certify that at the Annual Meeting of the Directors of the NGM Insurance Company duly called and held at Jacksonville, Florida on March 9th, 2023, the following officers were elected and remain in office:

CHRISTOPHER R. LISTAU CHIEF EXECUTIVE OFFICER AND PRESIDENT
 KIMBERLY K. LAW VICE PRESIDENT, GENERAL COUNSEL & SECRETARY
 JOSEPH D. FREITAS TREASURER
 NANCY L. GIORDANO-RAMOS, ANDREW S. ROSE, THERESA E. BREUNIG-SILBERNAGEL, RICHARD C VAUGHN,
 J. DAVID RANDLE VICE PRESIDENTS

I further certify that the following statement of the Company is true as taken from the records of said Company as of December 31, 2022.

ADMITTED ASSETS	LIABILITIES
Bonds at Amortized Values\$116,798,405	Reserve for Losses 0
Stocks at Market Value\$126,706,473	Reserve for Loss Adjustment Expenses 0
First Mortgage Loans 0	Reserve for Unearned Premiums 0
Real Estate\$2,782,171	Reserve for Other Underwriting Expenses.....\$48,512,561
Cash in Office and Banks(3,387,785)	Reserve for Taxes, Licenses, and Fees.....\$3,616,620
Short Term Investments\$3,871,410	Loss Drafts in Transit..... 0
Agent's Balance (Less than 90 Days)\$326,236,450	Other Liabilities\$238,213,124
Accrued Interest.....\$872,443	Total Liabilities\$290,342,305
Other Assets\$316,485,941	Policyholders' Surplus.....\$600,023,203
TOTAL ADMITTED ASSETS\$890,365,508	TOTAL\$890,365,508

Securities as deposited by law, included above = \$5,440,621

I further certify that the following is true and exact excerpt from Article IV, Section 2 of the By-Laws of NGM Insurance Company which is still valid and existing.

The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and authority given to them."

Subscribed and sworn to before me on this 9th day of March, 2023

IN WITNESS THEREOF I hereunto subscribe my name and affix the seal of said company this 9th day of March, 2023

[Signature]

[Signature: Kimberly K. Law]
 Kimberly K. Law
 Vice President, General Counsel & Secretary





State of New Jersey
Department of Banking and Insurance

CERTIFICATE OF AUTHORITY

Date: **May 02, 2023**

NAIC Company Code: **14788**

THIS IS TO CERTIFY THAT THE **NGM INSURANCE COMPANY**, HAVING COMPLIED WITH THE LAWS OF THE STATE OF NEW JERSEY, AND ANY SUPPLEMENTS OR AMENDMENTS THERETO WITH RESPECT TO THE TRANSACTION OF THE BUSINESS OF INSURANCE, IS LICENSED TO TRANACT IN THIS STATE UNTIL THE 1st DAY OF MAY, 2024, THE LINES OF INSURANCE SPECIFICALLY DESIGNATED BELOW:

- 01 - Fire and Allied Lines
- 11 - Other Liability
- 12 - Boiler and Machinery
- 13 - Fidelity and Surety
- 15 - Burglary and Theft
- 16 - Glass
- 17 - Sprinkler Leakage and Water Damage
- 02 - Earthquake
- 20 - Physical Loss to Buildings
- 22 - Mechanical Breakdown/Power Failure
- 03 - Growing Crops
- 04 - Ocean Marine
- 05 - Inland Marine

- 06 - Workers Compensation and Employers Liability
- 07 - Automobile Liability Bodily Injury
- 08 - Automobile Liability Property Damage
- 09 - Automobile Physical Damage



MARLENE CARIDE
COMMISSIONER OF
BANKING AND INSURANCE

COMPANY NAME: NGM INSURANCE COMPANY NAIC COMPANY CODE: 14788

STATUTORY HOME ADDRESS:
4601 TOUCHTON ROAD EAST
SUITE3400
JACKSONVILLE, FL 32246

SPECIAL CONDITIONS:

224424

TRIDENT ABSTRACT TITLE AGENCY, LLC

ESCROW TRUST ACCOUNT
MONMOUTH SHORES CORPORATE PARK
1340A CAMPUS PARKWAY
WALL, NJ 07753
(732) 431-3134

OCEANFIRST BANK N.A.

55-7035/2312



9/13/2023

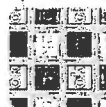
PAY TO THE ORDER OF Barnegat Township

\$96,426.00
\$

Ninety Six Thousand Four Hundred Twenty Six Dollars and zero Cents

DOLLARS

Buyer(s): Route 72 Sand Mine, LLC, a New Jersey limited liability company
Seller(s): Shore Sand & Gravel, LLC
File #: TA-152407



VOID AFTER 180 DAYS
[Signature]

AUTHORIZED SIGNATURE

MEMO TA-152407 * Route 72 * 42; 43; 43.01; 44 / 2, 5.02, 9; 3-5, 8, 9.03; 9; 2, 3

Security features. Details on back.

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TRIDENT ABSTRACT TITLE AGENCY, LLC

224424

Check #: 224424	File #: TA-152407	Buyer(s): Route 72 Sand Mine, LLC, a New Jersey limited liability company
Check Date: 9/13/2023	Settlement Date: 07/28/2023	Seller(s): Shore Sand & Gravel, LLC
Check Amt.: \$96,426.00	Payee: Barnegat Township	
Memo: TA-152407 * Route 72 * 42; 43; 43.01; 44 / 2, 5.02, 9; 3-5, 8, 9.03; 9; 2, 3 Bond		

Lowell P Cave
Shore Sand & Gravel LLC
60 Fostertown Road
Medford NJ 08055
609-261-7880 Ext 302
cavehold@aol.com

SENT VIA EMAIL AND REGULAR MAIL

Christine Roessner
Finance Office
Township of Barnegat
900 West Bay Ave.
Barnegat NJ

September 22, 2023

RE: Shore Sand & Gravel LLC
Mining Permit Escrow

Dear Christine

As you are aware Shore Sand and Gravel LLC has sold its property located at 560 Route 72, which holds the mining permit. It was sold to Route 72 Sand Mine, LLC. Route 72 Sand Mine LLC has submitted to the Township the cash and surety bond required for the Performance Guarantee. They have also applied for renewal of the Soil Removal Permit, to have it transferred into their name.

Shore Sand & Gravel, LLC is therefore requesting the release of all funds held by Barnegat Township for its cash Performance Guarantee and related escrow account. Based on the June 30, 2023 statements the balance for the cash Performance Guarantee was \$97,903.21, including interest earned. The balance in the escrow account was \$4,006.73. I do realize that there have been charges to the escrow account for Township Professionals since June 30th.

Also, due to the sale please change the mailing address for all correspondence to:
Shore Sand & Gravel LLC
Attn: Lowell P Cave
60 Fostertown Road
Medford NJ 08055

Please contact me or Susan Allen if you have any questions or need additional information. My cell number is 609-320-7342, Susan's is 609-417-5312. For email, please use Cavehold@aol.com

Thank you for your time
Sincerely



Lowell P Cave,
Member

RESOLUTION 2023-361

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ENVIROSITE SEWER CAMERA, INCLUDING THE VC500 CONTROLLER, VISION REPORTING SOFTWARE, 1000FT CABLE REEL AND WIRELESS CONTROLLER, SOURCEWELL COOPERATIVE PRICING CONTRACT #120721-EVS

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Barnegat, has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, the Township of Barnegat, pursuant to N.J.S.A. 40A:11-1 et seq. may, by resolution and without advertising for bids, purchase any goods or services under the Sourcewell contract entered into on behalf of the Township of Barnegat by Jet Vac Equipment, LLC, contract #120721-EVS; and

WHEREAS, The Township is authorized to purchase certain goods or services from those approved Sourcewell Vendors; and

WHEREAS the Chief Financial Officer ("CFO") does hereby certify the availability of funds of \$118,334.72 with respect to awarding a contract to Jet Vac LLC

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

Line Item(s)

Thomas Lombarski, CFO

WHEREAS, it's the desire of the Township through the Sourcewell contract #120721-EVS to utilize Jet Vac Equipment, LLC to accept the price quote of \$118,334.72, for the purchase of Envirosite Sewer Camera, including the VC500 Controller, Vision Reporting Software, 1000 FT Cable Reel and Wireless Controller as per price quote dated September 24, 2023

NOW, BE IT RESOLVED this 3rd day of October, 2023, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, approve the purchase of Envirosite Sewer Camera, including the VC500 Controller, Vision Reporting Software, 1000 FT Cable Reel and Wireless Controller from Jet Vac LLC, P.O. Box 772849, Detroit, MI 48277-2849 for \$118,334.72.00

CERTIFICATION

I, Donna M.Manno, Clerk of the Township of Barnegat, do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Council at a meeting held on the 3rd day of Oct., 2023.

Donna M. Manno, RMC
Municipal Clerk



CONTRACT PRICING WORKSHEET

Contract No.: 120721-EVS

Buying Agency	Barnegat Twp, NJ	Sales Partner	Jet Vac Equipment
Contact Person		Contact Person	Adam Emusov, Vice President/General Manager
Phone		Phone	862-686-9029
Member ID		Date	September 24, 2023
Email		Email	AdamEmusov@jetvacequipment.com

Itemized Contract Items / Options - Attach additional sheet if necessary

Qty	Part Number	Description	Unit Price	Extended
✓ 1	E-RX-SYS-Truck-Basic-21-L	System includes VC500 Controller with Vision Report Software installed, RAX300 Automatic Cable Reel with 300M (1000ft) cable, wireless remote controller, reel mounting frame, cable cleaner for RAX300 mainline reel, emergency stop cable, RX130L Quick Change version crawler with 3 sets of rubber wheels for 6" to 12" pipe diameter and integrated lift. RCX90 pan, tilt, zoom camera, Pressurization Kit, and Wincon VX entry license	\$ 100,987.62	\$ 100,987.62
✓ 1	E-559-0900-03	Auxiliary lights with backup camera	\$ 4,993.33	\$ 4,993.33
✓ 1	E-000-0036-00	Tyger Tail 2"	\$ 81.52	\$ 81.52
✓ 1	E-000-0035-00	Top Manhole Cable Roller	\$ 458.57	\$ 458.57
✓ 1	E-598-0210-21	VC500 Power Supply	\$ 458.57	\$ 458.57
✓ 1	E-035-0209-01	Flexible Cable Guide Pulley	\$ 1,528.57	\$ 1,528.57
✓ 2	E-080-0706-00	Medium Grease Wheel QC RX130	\$ 371.95	\$ 743.90
✓ 2	E-080-0711-00	Medium Aggressive Wheel QC RX130	\$ 636.90	\$ 1,273.80
✓ 4	E-080-0704-02	XL Rubber Wheel QC RX130	\$ 596.00	\$ 2,384.00
			Subtotal Contract Items	\$ 112,906.88

Sourced / Non Contract Items

Qty	Part Number	Description	Unit Price	Extended
✓ 1	E-210-0129-00	Mounting Frame for RAX300 Cable Reel	\$ 791.56	\$ 791.56
✓ 1	E-210-0130-00	Main Power Cord for RAX300 Cable Reel	\$ 133.28	\$ 133.28
			Subtotal Sourced Items	\$ 924.84
			Transportation Fee/PDI	\$ 4,500.00
			Proposed Total	\$ 118,334.72

RESOLUTION 2023-362

A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE OCEAN COUNTY PROSECUTOR'S OFFICE FOR THE FY2023/2024 TRAFFIC SAFETY PROGRAM KNOWN AS "DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM" (DWIEP) PURSUANT TO N.J.S.A. 40:8A-1 ET SEQ

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:8A-1 et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Barnegat wishes to enter into a shared services agreement with the County of Ocean Police Services for the "Driving While Intoxicated Enforcement Program (DWIEP)", a traffic safety program run by the Ocean County Prosecutor's Office, for the purpose of identifying and removing intoxicated drivers from the roadways; and

WHEREAS, the term of this agreement with the Ocean County Police Services shall be from October 1, 2023 and shall continue until September 30, 2024

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

1. The Mayor and Clerk of the Township of Barnegat are hereby authorized and directed to enter into and execute a Shared Services Agreement with the Ocean County Prosecutor's Office and the Board of Chosen Freeholders for the traffic safety program known as the "Driving While Intoxicated Enforcement Program", DWIEP.
2. A copy of that agreement is on file and available for public inspection at the Township Clerk's Office during regular business hours.
3. This resolution shall take effect immediately upon passage.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their regular meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey, on the 3rd day of October, 2023.

Donna M. Manno, RMC
Municipal Clerk

BRADLEY D. BILLHIMER
Ocean County Prosecutor

ANTHONY U. CARRINGTON
Chief of Detectives



MICHAEL T. NOLAN JR.
First Assistant Prosecutor

ROBERT J. ARMSTRONG
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR

Courthouse Annex Building
119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027
www.OCPONJ.gov

September 20, 2023

Re: Shared Service Agreements
DWI/DRE/MOVE OVER GRANTS FOR FY 2023/24

Dear Mayor,

As you are probably aware, Ocean County routinely leads the state in traffic related fatalities. The DWI/DRE/MOVE OVER programs are aimed at detecting and arresting impaired drivers throughout Ocean County. During times where manpower is needed for enforcement, members of your police department will be called upon to assist. Officers will be paid by money from the DWI/DRE/MOVE OVER grant which has been designated by the State of New Jersey (DHTS), the Ocean County Prosecutor's Office and the Board of Commissioners.

Enclosed you will find nine copies of the Shared Service Agreements, three for each grant, covering police officers from your department who are involved in these grants.

Please review, **SIGN AND SEAL ALL AGREEMENTS** and return all **ORIGINAL COPIES** to the undersigned by **November 1, 2023** Also include an **ORIGINAL LOCAL RESOLUTIONS with seal** supporting these agreements.

If you have any questions in this matter please feel free to contact me at 732-929-2027, extension 3024. Thank you for your assistance in this matter.

Sincerely,

Robert Parlow
Vehicular Homicide Unit

SHARED SERVICES AGREEMENT
DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM

THIS AGREEMENT made this _____ day of _____, by and **BETWEEN:**
THE Township of Barnegat, a municipal corporation of the State of New Jersey, having its offices located at **900 West Bay Ave. Barnegat, New Jersey 08005**, hereinafter referred to as “Municipality”.
AND: THE COUNTY OF OCEAN, a body politic of the State of New Jersey, having its offices at the Administration Building, 101 Hooper Avenue, P.O. Box 2191, Toms River, New Jersey, 08754, hereinafter referred to as “County”.

WHEREAS, resolution of the **Township of Barnegat** dated _____, authorization was given to enter into an Shared Services Agreement with the County of Ocean Police services, **Driving While Intoxicated Enforcement Program** and

WHEREAS, the **Driving While Intoxicated Enforcement Program** (hereinafter referred to as **D.W.I.E.P.**) is a traffic safety program run by the Ocean County Prosecutor’s Office (hereinafter referred to as “Prosecutor’s Office”) for the purpose of identifying and removing Intoxicated drivers from the roadways; and

WHEREAS, the **D.W.I.E.P.** receives funding from the State of New Jersey and County of Ocean; and

WHEREAS, the Prosecutor’s Office and the Municipality have determined it to be in their mutual interest for the Municipality to designate certain police officers to be assigned to **D.W.I.E.P.**; and

WHEREAS, the shared Services Act, N.J.S.A. 40:8A-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Municipality wishes to enter into an Agreement with the County for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by the Municipality to the **D.W.I.E.P.**; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth pursuant to the authority provided by law, the parties hereby agree to and with each other as follows:

1. **DESIGNATION OF POLICE OFFICERS FOR ASSIGNMENT TO D.W.I.E.P.** Upon request by the County, the Municipality shall designate those officers to be assigned to the **D.W.I.E.P.** and shall provide the County with a list of those officers.

SHARED SERVICES AGREEMENT

DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM

2. **RESPONSIBILITIES OF MUNICIPALITY.** The Municipality agrees that it shall have the following responsibilities during the term of this Agreement:
 - (a) The Municipality will provide department in-service training to those officers assigned to the **D.W.I.E.P.**
 - (b) The Municipality will be responsible for conducting weapons qualifications for those officers assigned to the **D.W.I.E.P.**

3. **RESPONSIBILITIES OF COUNTY.** The County agrees that it shall have the following responsibilities during the term of this Agreement.
 - (a) The County will forward to the Municipality a schedule of any training attended by or instructed by the officers assigned to the **D.W.I.E.P.**
 - (b) The County shall provide the Municipal Police Department with information on current **D.W.I.E.P.** activities within the Municipality during scheduled briefings.

4. **COMPENSATION.** The County shall pay the officers department at the rate of seventy (\$70.00) per hour for their performed hereunder. It is the responsibility of the individual officer's department to pay any income tax or other taxes required to be paid from their salary received pursuant to this agreement.

5. **TERM.** This Agreement shall be retroactive from October 1, 2023 and shall continue in full force and effect until September 30, 2024.

6. **TERMINATION.** Either party to this Agreement may, by giving written notice to the other party, terminate this Agreement.

7. **RELATIONSHIP OF PARTIES.** The officers assigned to the Prosecutor's Office pursuant to this Agreement are not and shall not be considered agents or employees of the County.

8. **VIOLATIONS OF RULES AND REGULATIONS OF THE MUNICIPAL POLICE DEPARTMENT.** During the time of their assignment to the Prosecutor's Office, the officers shall continue to be governed by the rules and regulations of the Municipal Police Department. In the event of any violation of the rules and regulations, the officer committing the violation may be returned to the Municipal Police Department for appropriate disciplinary action.

SHARED SERVICES AGREEMENT

DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM

9. **VIOLATIONS OF RULES AND REGULATIONS OF PROSECUTOR'S OFFICE.** The Prosecutor's Office shall assume responsibility for the actions of the officers during the period of their service in the **D.W.I.E.P.** and shall handle disciplinary action for the violation of the rules and regulations of the Prosecutor's Office. In its discretion, the Prosecutor's Office shall investigate any alleged violations of its rules and regulations and violations of public trust. The Prosecutor's Office shall file a written report of any alleged violations with the Chief of Police of the Municipal Police Department, along with a report of the investigation, any conclusions reached and subsequent disciplinary action, if any.

10. **ASSIGNABILITY.** The Municipality shall not assign or transfer any of the work or services to be performed hereunder of any other interest in this Agreement without the prior written approval of the County.

11. **ENTIRE AGREEMENT,** This Agreement contains the entire Agreement between the parties and no modification hereof shall be effective unless in writing, signed by the party to be charged therewith. This Agreement shall supersede any other understanding or correspondence that may have been exchanged between the parties on the subject matter hereof.

12. **BINDING EFFECT.** This Agreement has been duly entered into and constitutes a legal, valid and binding obligation of the County and the Municipality, enforceable in accordance with its terms, and it shall inure to the benefit of the parties hereto and their successors and assigns.

SHARED SERVICES AGREEMENT

DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper corporate officers and their proper corporate seals to be affixed hereto on the day and date first above written.

ATTEST:

MUNICIPALITY

CLERK

By: _____
MAYOR

ATTEST:

SECUTOR'S OFFICE

MARJORIE GIBB

J. BILLHIMER
SECUTOR

Please return enclosed **ORIGINAL**
documents with all
SIGNATURES and **MUNICIPAL**
SEALS & LOCAL RESOLUTIONS

ATTEST:

MICHELLE I. GUNTHER
CLERK

JOSEPH H. VICARI
DIRECTOR

RESOLUTION 2023-363

A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN POLICE SERVICES FOR THE FY 2023/2024 PROSECUTOR'S PROGRAM "DRUG RECOGNITION EXPERT CALLOUT PROGRAM" (DRECP) PURSUANT TO N.J.S.A. 40:8A-1 ET SEQ

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:8A-1 et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Barnegat wishes to enter into a shared services agreement with the County of Ocean Police Services for the "Drug Recognition Expert Callout Program" (DRECP), a traffic safety program run by the Ocean County Prosecutor's Office, for the purpose of utilizing a DRE callout Program to assist with identifying and removing Intoxicated drivers from the roadway; and

WHEREAS, the term of this agreement with the Ocean County Police Services shall be from October 1, 2023 and shall continue until September 30, 2024

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

1. The Mayor and Clerk of the Township of Barnegat are hereby authorized and directed to enter into and execute a Shared Services Agreement with the Ocean County Prosecutor's Office and the Ocean County Board of Chosen Freeholders for the traffic safety program known as the "Drug Recognition Expert Callout Program" (DRECP)
2. A copy of that agreement is on file and available for public inspection at the Township Clerk's Office during regular business hours.
3. This resolution shall take effect immediately upon passage.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey on the 3rd day of October, 2023.

Donna M. Manno, RMC
Municipal Clerk

BRADLEY D. BILLHIMER
Ocean County Prosecutor

ANTHONY U. CARRINGTON
Chief of Detectives



MICHAEL T. NOLAN JR.
First Assistant Prosecutor

ROBERT J. ARMSTRONG
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR

Courthouse Annex Building
119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027
www.OCPONJ.gov

September 20, 2023

Re: Shared Service Agreements
DWI/DRE/MOVE OVER GRANTS FOR FY 2023/24

Dear Mayor,

As you are probably aware, Ocean County routinely leads the state in traffic related fatalities. The DWI/DRE/MOVE OVER programs are aimed at detecting and arresting **impaired** drivers throughout Ocean County. During times where manpower is needed for enforcement, members of your police department will be called upon to assist. Officers will be paid by money from the DWI/DRE/MOVE OVER grant which has been designated by the State of New Jersey (DHTS), the Ocean County Prosecutor's Office and the Board of Commissioners.

Enclosed you will find **nine** copies of the Shared Service Agreements, three for each grant, covering police officers from your department who are involved in these grants.

Please review, **SIGN AND SEAL ALL AGREEMENTS** and return all **ORIGINAL COPIES** to the undersigned by **November 1, 2023** Also include an **ORIGINAL LOCAL RESOLUTIONS with seal** supporting these agreements.

If you have any questions in this matter please feel free to contact me at 732-929-2027, extension 3024. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Parlow", is written over a horizontal line.

Robert Parlow
Vehicular Homicide Unit

SHARED SERVICES AGREEMENT
DRUG RECOGNITION EXPERT CALLOUT PROGRAM

THIS AGREEMENT made this _____ day of _____, by and **BETWEEN**
THE: Township of Barnegat, a municipal corporation of the State of New Jersey, having its
offices located at 900 West Bay Ave. Barnegat, N.J. 08005 hereinafter referred to as
“Municipality”. **AND: THE COUNTY OF OCEAN**, a body politic of the State of New Jersey,
having its offices at The Administration Building, 101 Hooper Avenue, P.O. Box 2191, Toms
River, New Jersey, 08754, Hereinafter referred to as “County”.

WHEREAS, resolution of the **Township of Barnegat** dated _____,
authorization was given to enter into an Shared Services Agreement with the County of Ocean Police
services, **Drug Recognition Expert Callout Program** and

WHEREAS, the **Drug Recognition Expert Callout Program** (hereinafter referred to as
D.R.E.C.P.) is a traffic safety program run by the Ocean County Prosecutor’s Office (hereinafter
referred to as “Prosecutor’s Office”) for the purpose of utilizing a DRE callout Program to assist with
identifying and removing Intoxicated drivers from the roadway; and

WHEREAS, the **D.R.E.C.P.** receives funding from the State of New Jersey and County of
Ocean; and

WHEREAS, the shared Services Act, N.J.S.A. 401:8A-1 et seq., authorizes local units as
defined in the Act to enter into a joint agreements for the provision of governmental services; and

WHEREAS, the Municipality wishes to enter into an Agreement with the County for the
purpose of setting forth the term and conditions regarding the assignment of police officers employed
by the Municipality to the **D.R.E.C.P.**; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth
pursuant to the authority provided by law, the parties hereby agree to and with each as follows:

1. **DESIGNATION OF POLICE OFFICERS FOR ASSIGNMENT TO D.R.E.C.P.** Upon
request by the County, the Municipality shall designate those qualified DRE officers to be
assigned to the **D.R.E.C.P.** and shall provided the County with a list of those officers.

SHARED SERVICES AGREEMENT
DRUG RECOGNITION EXPERT CALLOUT PROGRAM

2. **RESPONSIBILITIES OF MUNICIPALITY.** The Municipality agrees that it shall have the following responsibilities during the term of this Agreement:
 - (a) The Municipality will provide department in-service training to those officers assigned to the **D.R.E.C.P.**
 - (b) The Municipality will be responsible for conducting weapons qualification for those officers assigned to the **D.R.E.C.P.**

3. **RESPONSIBILITIES OF COUNTY.** The County agrees that it shall have the following responsibilities during the term of this Agreement.
 - (a) The County will forward to the Municipality a schedule of any training attended by or instructed by the officers assigned to the **D.R.E.C.P.**
 - (b) The County shall provide the Municipal Police Department with information on current **D.R.E.C.P.** activities within the Municipality during scheduled briefings or callouts to other municipalities.

4. **COMPENSATION.** The County shall pay the officer's Municipality at the rate of seventy (\$70.00) per hour for their performance hereunder. It is the responsibility of the individual officer's Municipality to pay any income tax or other taxes required to be paid from their salary received pursuant to this agreement.

5. **TERM.** This Agreement shall be retroactive from October 1, 2023 and shall continue in full force and effect until September 30, 2024.

6. **TERMINATION.** Either party to this Agreement may, by giving written notice to the other party, terminate this Agreement.

7. **RELATIONSHIP OF PARTIES.** The officers assigned to the Prosecutor's Office pursuant to this Agreement are not and shall not be considered agents or employees of the County.

8. **VIOLATIONS OF RULES AND REGULATIONS OF THE MUNICIPAL POLICE DEPARTMENT.** During the time of their assignment to the Prosecutor's Office, the officers shall continue to be governed by the rule and regulations of the Municipal Police Department. In the event of any violation of the rules and regulations, the officer committing the violation may be returned to the Municipal Police Department for appropriate disciplinary action.

SHARED SERVICES AGREEMENT
DRUG RECOGNITION EXPERT CALLOUT PROGRAM

9. **VIOLATIONS OF RULES AND REGULATIONS OF PROSECUTOR'S OFFICE.**
The Prosecutor's Office shall assume responsibility for the actions of the officers during the period of their service in the **D.R.E.C.P.** and shall handle disciplinary action for the violation of the rules and regulations of the Prosecutor's Office. In its discretion, the Prosecutor's Office shall investigate any alleged violations of its rules and regulations and violations of public trust. The Prosecutor's Office shall file a written report of any alleged violations with the Chief of Police of the Municipal Police Department, along with a report of the investigation, any conclusions reached and subsequent disciplinary action, if any.

10. **ASSIGNABILITY.** The Municipality shall not assign or transfer any of the work or services to be preformed hereunder of any other interest in this Agreement without the prior written approval of the County.

11. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties and no modifications hereof shall be effective unless in writing, signed by the party to be charged therewith. This Agreement shall supersede any other understanding or correspondence that may have been exchanged between the parties on the subject matter hereof.

12. **BINDING EFFECT.** This Agreement has been duly entered into and constitutes a legal, valid and binding obligation of the County and the Municipality, enforceable in accordance with its terms, and it shall inure to the benefit of the parties hereto and their successors and assigns.

SHARED SERVICES AGREEMENT
DRUG RECOGNITION EXPERT CALLOUT PROGRAM

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper corporate officers and their proper corporate seals to be affixed hereto on the day and date first above written.

ATTEST: _____ MUNICIPALITY

By:

CLERK

MAYOR

ATTEST:

PROSECUTOR'S

MARJORIE

Please return enclosed **ORIGINAL**
documents with all
SIGNATURES and **MUNICIPAL**
SEALS & LOCAL RESOLUTIONS

BILLHIMER
CUTOR

ATTEST:

N

MICHELLE I. GUNTHER
CLERK

JOSEPH H. VICARI
DIRECTOR

RESOLUTION 2023-364

A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN POLICE SERVICES FOR THE FY 2023/2024 PROSECUTOR'S PROGRAM "MOVE OVER LAW ENFORCEMENT PROGRAM" (MOLEP) PURSUANT TO N.J.S.A. 40:8A-1 ET SEQ

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:8A-1 et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Barnegat wishes to enter into a shared services agreement with the County of Ocean Police Services for the "Move Over Law Enforcement Program" (MOLEP), a traffic safety program run by the Ocean County Prosecutor's Office, for the purpose of identifying, educating and removing reckless drivers from the roadways; and

WHEREAS, the term of this agreement with the Ocean County Police Services shall be from October 1, 2023 and shall continue until September 30, 2024

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

1. The Mayor and Clerk of the Township of Barnegat are hereby authorized and directed to enter into and execute a Shared Services Agreement with the Ocean County Prosecutor's Office and the Ocean County Board of Chosen Freeholders for the traffic safety program known as the "Move Over Law Enforcement Program" (MOLEP)
2. A copy of that agreement is on file and available for public inspection at the Township Clerk's Office during regular business hours.
3. This resolution shall take effect immediately upon passage.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey on the 3rd day of October, 2023

Donna M. Manno, RMC
Municipal Clerk

BRADLEY D. BILLHIMER
Ocean County Prosecutor

ANTHONY U. CARRINGTON
Chief of Detectives



MICHAEL T. NOLAN JR.
First Assistant Prosecutor

ROBERT J. ARMSTRONG
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR

Courthouse Annex Building
119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027
www.OCPONJ.gov

September 20, 2023

Re: Shared Service Agreements
DWI/DRE/**MOVE OVER** GRANTS FOR FY 2023/24

Dear Mayor,

As you are probably aware, Ocean County routinely leads the state in traffic related fatalities. The DWI/DRE/**MOVE OVER** programs are aimed at detecting and arresting impaired drivers throughout Ocean County. During times where manpower is needed for enforcement, members of your police department will be called upon to assist. Officers will be paid by money from the DWI/DRE/**MOVE OVER** grant which has been designated by the State of New Jersey (DHTS), the Ocean County Prosecutor's Office and the Board of Commissioners.

Enclosed you will find nine copies of the Shared Service Agreements, three for each grant, covering police officers from your department who are involved in these grants.

Please review, **SIGN AND SEAL ALL AGREEMENTS** and return all **ORIGINAL COPIES** to the undersigned by November 1, 2023 Also include an **ORIGINAL LOCAL RESOLUTIONS with seal** supporting these agreements.

If you have any questions in this matter please feel free to contact me at 732-929-2027, extension 3024. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Parlow", is written over a horizontal line.

Robert Parlow
Vehicular Homicide Unit

SHARED SERVICES AGREEMENT
“MOVE OVER” LAW ENFORCEMENT PROGRAM

THIS AGREEMENT made this _____ day of _____, by and **BETWEEN:**
THE Township of Barnegat, a municipal corporation of the State of New Jersey, having its offices located at 900 West Bay Ave. Barnegat, New Jersey 08005, hereinafter referred to as “Municipality”.
AND: THE COUNTY OF OCEAN, a body politic of the State of New Jersey, having its offices at the Administration Building, 101 Hooper Avenue, P.O. Box 2191, Toms River, New Jersey, 08754, hereinafter referred to as “County”.

WHEREAS, resolution of the Township of Barnegat dated _____, authorization was given to enter into an Shared Services Agreement with the County of Ocean Police services, “**Move Over**” **Law Enforcement Program** and

WHEREAS, the “**Move Over**” **Law Enforcement Program** (hereinafter referred to as **M.O.L.E.P.**) is a traffic safety program run by the Ocean County Prosecutor’s Office (hereinafter referred to as “Prosecutor’s Office”) for the purpose of identifying, educating and removing reckless drivers from the roadways; and

WHEREAS, the **M.O.L.E.P.** receives funding from the State of New Jersey and County of Ocean; and

WHEREAS, the Prosecutor’s Office and the Municipality have determined it to be in their mutual interest for the Municipality to designate certain police officers to be assigned to **M.O.L.E.P.**; and

WHEREAS, the shared Services Act, N.J.S.A. 40:8A-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Municipality wishes to enter into an Agreement with the County for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by the Municipality to the **M.O.L.E.P.**; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth pursuant to the authority provided by law, the parties hereby agree to and with each other as follows:

1. **DESIGNATION OF POLICE OFFICERS FOR ASSIGNMENT TO M.O.L.E.P.** Upon request by the County, the Municipality shall designate those officers to be assigned to the **M.O.L.E.P.** and shall provide the County with a list of those officers.

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2. **RESPONSIBILITIES OF MUNICIPALITY.** The Municipality agrees that it shall have the following responsibilities during the term of this Agreement:
 - (a) The Municipality will provide department in-service training to those officers assigned to the **M.O.L.E.P.**
 - (b) The Municipality will be responsible for conducting weapons qualifications for those officers assigned to the **M.O.L.E.P.**

3. **RESPONSIBILITIES OF COUNTY.** The County agrees that it shall have the following responsibilities during the term of this Agreement.
 - (a) The County will forward to the Municipality a schedule of any training attended by or instructed by the officers assigned to the **M.O.L.E.P.**
 - (b) The County shall provide the Municipal Police Department with information on current **M.O.L.E.P.** activities within the Municipality during scheduled briefings.

4. **COMPENSATION.** The County shall pay the officers department at the rate of seventy (\$70.00) per hour for their performed hereunder. It is the responsibility of the individual officer’s department to pay any income tax or other taxes required to be paid from their salary received pursuant to this agreement.

5. **TERM.** This Agreement shall be retroactive from October 1, 2023 and shall continue in full force and effect until September 30, 2024.

6. **TERMINATION.** Either party to this Agreement may, by giving written notice to the other party, terminate this Agreement.

7. **RELATIONSHIP OF PARTIES.** The officers assigned to the Prosecutor’s Office pursuant to this Agreement are not and shall not be considered agents or employees of the County.

8. **VIOLATIONS OF RULES AND REGULATIONS OF THE MUNICIPAL POLICE DEPARTMENT.** During the time of their assignment to the Prosecutor’s Office, the officers shall continue to be governed by the rules and regulations of the Municipal Police Department. In the event of any violation of the rules and regulations, the officer committing the violation may be returned to the Municipal Police Department for appropriate disciplinary action.

SHARED SERVICES AGREEMENT
“MOVE OVER” LAW ENFORCEMENT PROGRAM

9. **VIOLATIONS OF RULES AND REGULATIONS OF PROSECUTOR’S OFFICE.** The Prosecutor’s Office shall assume responsibility for the actions of the officers during the period of their service in the **M.O.L.E.P.** and shall handle disciplinary action for the violation of the rules and regulations of the Prosecutor’s Office. In its discretion, the Prosecutor’s Office shall investigate any alleged violations of its rules and regulations and violations of public trust. The Prosecutor’s Office shall file a written report of any alleged violations with the Chief of Police of the Municipal Police Department, along with a report of the investigation, any conclusions reached and subsequent disciplinary action, if any.

10. **ASSIGNABILITY.** The Municipality shall not assign or transfer any of the work or services to be performed hereunder of any other interest in this Agreement without the prior written approval of the County.

11. **ENTIRE AGREEMENT,** This Agreement contains the entire Agreement between the parties and no modification hereof shall be effective unless in writing, signed by the party to be charged therewith. This Agreement shall supersede any other understanding or correspondence that may have been exchanged between the parties on the subject matter hereof.

12. **BINDING EFFECT.** This Agreement has been duly entered into and constitutes a legal, valid and binding obligation of the County and the Municipality, enforceable in accordance with its terms, and it shall inure to the benefit of the parties hereto and their successors and assigns.

SHARED SERVICES AGREEMENT
“MOVE OVER” LAW ENFORCEMENT PROGRAM

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper corporate officers and their proper corporate seals to be affixed hereto on the day and date first above written.

ATTEST: MUNICIPALITY

By:

CLERK

MAYOR

ATTEST:

PROSECUTOR'S OFFICE

MARJORIE GI

Please return enclosed **ORIGINAL**
documents with all
SIGNATURES and **MUNICIPAL**
SEALS & LOCAL RESOLUTIONS

D. BILLHIMER
PROSECUTOR

ATTEST:

By:

MICHELLE I. GUNTHER
CLERK

JOSEPH H. VICARI
DIRECTOR

RESOLUTION 2023-365

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP COMMITTEE TO RETIRE INTO CLOSED SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL, CONTRACTUAL OR LITIGATION MATTERS.

WHEREAS, the Barnegat Township Committee desires discussion pertaining to contractual matters in closed session; and

WHEREAS, N.J.S.A. 10:4-12(b) provides for the exclusion of the public from such discussions; now

THEREFORE, BE IT RESOLVED by the Township Committee as follows:

1. The committee shall hold a closed meeting for the purpose of discussion of the aforementioned subject.
2. The committee shall disclose to the public the results of such discussion at such times as formal action, if any, is taken on the subject.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify the foregoing resolution adopted by the Township Committee on October 3, 2023.

Donna M. Manno, RMC
Municipal Clerk