

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

**TOWNSHIP COMMITTEE MEETING AGENDA
May 7, 2024, 6:30 PM**

Call to Order the May 7, 2024 Township Committee Meeting:

Provisions of the Open Public Meetings Law:

Pursuant to the requirements of the OPEN PUBLIC MEETINGS LAW, adequate Public Notice of this meeting has been given:

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

Pledge of Allegiance:

Invocation: by Pastor Rose Cassarino, Holy Spirit Victory Church

Roll Call of Officials:

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

PRESENTATION OF FUNDS FOR TOWNSHIP EVENTS FROM VAN DYKE REALTORS

Committee Reports: Bille, Pipi, Townsend, Cirulli

Mayor's Report

Public Session Comment:

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

Motion to Open Public Session:

Second:

Motion to Close Public Session:

Second:

Ordinance 2024-8

(First Reading)

An Ordinance Amending Chapter 55 of the Township Code Entitled "Land Use"

Motion to introduce ordinance:

Second:

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

Ordinance 2024-9

(First Reading)

An Ordinance providing funding for various Water/Sewer capital improvements appropriating \$1,075,000 therefor from the Township's Water/Sewer Capital Improvement Fund

Motion to introduce ordinance:

Second:

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

Ordinance 2024-10

(First Reading)

An Ordinance providing funding for the cost of the construction of a new Water Tower and appropriating \$4,250,000 therefor from the Township's Water/Sewer Capital and Grant Funds

Motion to introduce ordinance:

Second:

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

Ordinance 2024-11

(First Reading)

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

Motion to introduce ordinance:

Second:

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

Ordinance 2024-12

(First Reading)

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

Motion to introduce ordinance:

Second:

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

Ordinance 2024-13

(First Reading)

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

Motion to introduce ordinance:

Second:

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

Consent Agenda:

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

Approval of an On Premise 50/50 on June 10, 2024 to the Women’s Club Mirage.

Approval of Block Party on Cannonball Drive on August 24, 2024 from 9AM to 9PM, Rain date of August 25th.

Approval of Social Affairs Permit to the John Wesley Taylor Post 232 American Legion on June 22 and July 27, 2024

Approval of Social Affairs permit to the Manafirkin Brewing Inc for event on May 16, 2024

Approval of Social Affairs permit to the Forgotten Boardwalk Brewing LLC for events on May 24, May 25 & May 26, 2024

**Approval of membership to Ashley M. Glynn for the Barnegat Fire Department
Approval of membership to Jose Martinez for the Barnegat Fire Department**

Resolution 2024-196

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

Resolution 2024-197

Resolution Authorizing the Tax Collector to Refund payment to D.R. Horton of \$4,320.00 for water meter upgrade that was later retracted by the builder, D.R. Horton.

Resolution 2024-198

Resolution authorizing the refund of Escrow deposits to Phoenix Pinelands Corporation for \$922.58

Resolution 2024-199

Resolution authorizing the refund of Escrow deposits to AT&T Wireless for \$388.75

Resolution 2024-200

Resolution authorizing reduction of Site Performance Bond to Barnegat Terrace for Block 162.01, Lot 1.02

Resolution 2024-201

Resolution authorizing recording of a Storm Water Basin Easement between the Township of Barnegat and Forestar (USA) Real Estate Group Inc. for Block 90.34, Lot 29

Resolution 2024-202

Resolution approving the Purchase of Block 165, Lots 22.02 and 22.03, by the Ocean County Natural Lands Trust Fund

Resolution 2024-203

Resolution authorizing Morgan Engineering to provide Engineering Service and Construction Administration for the Pennsylvania Avenue improvements

Resolution 2024-204

Resolution strongly opposing the state's increase to another gasoline tax

Resolution 2024-205

Resolution authorizing settlement and amending the Collective Bargaining Agreement (CBA) Superior Officers' Association (SOA)

Resolution 2024-206

Resolution authorizing execution of an Employment Agreement with the Chief of Police, Jason D. Carroll from May 1, 2024 through December 31, 2029

Resolution 2024-207

Resolution appointing Robert Borris as Construction Official for the Construction Office effective May 1, 2024

Resolution 2024-208

Resolution appointing Jesse Gerard as a Full Time Sub-Code Electrical Inspector for the Construction Office effective May 7, 2024

Resolution 2024-209

Resolution appointing Part Time Plumbing Inspector, Richard Barlet to Plumbing Sub-Code Inspector for the Construction Office

Resolution 2024-210

Resolution authorizing acceptance of Change Orders #58-59 in the amount of \$2,877.81 to Frankoski Construction Co. for the New Municipal Building project

Resolution 2024-211

Resolution authorizing progress Payment #35 in amount of \$94,279.13 to Frankoski Construction Co. for the New Municipal Building, check payable to Travelers Casualty and Surety Company of America

Resolution 2024-212

Resolution approving the release of Road Opening Bond to K. Sarama LLC in the amount of \$2,500.00 for Block 100, Lot 7, 10 Eighth Street

Resolution 2024-213

Resolution hiring Kelly Kantewein to a Non Union Recreation position of Recreation Aide effective April 22, 2024 at \$16.00 per hour

Resolution 2024-214

Resolution authorizing purchase of (1) Stock Elgin Broom Bear, Belt-Mounted on 2025 Freightliner M2 Chassis Street Sweeper from GranTurk Equipment Co. through Sourcewell Cooperative Pricing Contract #093021-ELG for a price not to exceed \$363,593.23

Resolution 2024-215

Resolution authorizing purchase of (1) 2024 Dodge Durango from Nielsen of Morristown for the Water & Sewer Department through NJ State Contract # 23-FLEET-34933 & # 17-FLEET-00761 for a price not to exceed \$46,740.15

Resolution 2024-216

Resolution authorizing purchase of (1) 2023 Ford Transit 250 MR Cargo RWD Modified Van From All American Ford of Paramus for the Water & Sewer Department through Bid ESCNJ 23/24-11, CO-OP #65MCESCCPS for an amount not to exceed \$65,599.10

Resolution 2024-217

Resolution approving place-to-place transfer of Plenary Retail Consumption License #1533-44-005-005, issued to Sree Krishna Incorporated trading as Super Saver; located at 362 North Main Street as of May 9, 2024

Resolution 2024-218

Resolution approving a place-to-place transfer of Plenary Retail Consumption License #1533-44-010-005, issued to Sri Vaidhika Inc., trading as Barnegat Wine & Spirits LLC, located at 912 W. Bay Avenue, Unit 160 as of May 16, 2024

Resolution 2024-219

Resolution calling for the modernization of the Open Public Records Act (OPRA) and the swift passage of S-2930 / A-4045

Resolution 2024-220

Resolution hiring Hunter K. Docherty as a Full Time Laborer for the Public Works Department effective May 20, 2024.

Resolution 2024-221

Resolution authorizing a Shared Service agreement between the Township of Barnegat and the Township of Plumsted for CFO Services, effective May 8, 2024

Motion to adopt Consent Agenda:

Second:

Roll Call:

Committeeman Bille:

Committeeman Papi:

Committeeman Townsend:

Deputy Mayor Cirulli:

Mayor Marte:

Resolution 2024-222

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 Papi:

Committeeman Townsend:

Deputy Mayor Cirulli:

Mayor Marte:

Motion to Adjourn:

Second:

Time _____

**Next scheduled meeting
June 6, 2024 at 10:00 AM**

2024-193

BILL LIST FOR MAY 2024

RESOLUTION 2024 – 194

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, now

THEREFORE, BE IT RESOLVED, that the Township Committee of The Township of Barnegat in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024, in the sum of \$33,165.92, which is now available, for the State Recycling Tonnage Grant Program.

BE IT FURTHER RESOLVED, that the like sum of \$33,165.92 is hereby appropriated under the caption; State Recycling Tonnage Grant Program.

BE IT FURTHER RESOLVED that the above is the result of funds from the State Recycling Tonnage Grant Program in the amount of \$33,165.92.

Resolution No. 2024-194

Offered by _____ Seconded by _____

Adopted _____ Municipal Clerk _____

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat in the County of Ocean, New Jersey do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Township of Barnegat on May 7, 2024.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024 – 195

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, now

THEREFORE, BE IT RESOLVED, that the Township Committee of The Township of Barnegat in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024, in the sum of \$960.00, which is now available, for the Cops in Shops Summer Shore Initiative grant program (Federal Fiscal Year 2024, Grant #ABC-02-24).

BE IT FURTHER RESOLVED, that the like sum of \$960.00 is hereby appropriated under the caption; Cops in Shops Summer Shore Initiative.

BE IT FURTHER RESOLVED that the above is the result of funds from the State and Community Highway Safety Program, Dept. of Law & Public Safety, Division of Alcoholic Beverage Control, Cops in Shops Summer Shore Initiative grant, in the amount of \$960.00, supported by the FFY 2024 Dept. of Transportation, National Highway Traffic Safety Administration (CFDA # 20.600).

Resolution No. 2024-195

Offered by _____ Seconded by _____

Adopted _____ Municipal Clerk _____

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat in the County of Ocean, New Jersey do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Township of Barnegat on May 7, 2024.

Donna M. Manno, RMC
Municipal Clerk

ORDINANCE NO. 2024-08

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

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

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

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

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

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

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

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

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

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

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

O. Groundwater Recharge Standards

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

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

Q. Stormwater Runoff Quantity Standards

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

SECTION 4: Chapter 55, Land Use, Article XXI, Stormwater Management, Section 55-330.4, Calculation of Stormwater Runoff and Groundwater Recharge, is hereby amended as follows:

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

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

B. No Change.

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

D. No Change.

E. No Change.

F. No Change.

G. No Change.

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

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

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

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

Table 5: Current Precipitation Adjustment Factors

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

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

Table 6: Future Precipitation Change Factors

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

SECTION 5: Chapter 55, Land Use, Article XXI, Stormwater Management,

Section 55-330.5, Sources for Technical Guidance, is hereby amended as follows:

§55-330.5. Sources for Technical Guidance

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

(1) No Change.

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

B.

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

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

(2) No Change.

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

E. Water Management

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

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

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

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

- (3) A diversion within the Pinelands Area portion of Barnegat Township involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at (2)(a) and (b) above, shall be permitted. If such an intrabasin transfer involves water sourced from the Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at (4) below.
- (4) Within the Pinelands Area portion of Barnegat Township a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or more (hereafter referred to as "proposed diversion") shall meet the criteria and standards set forth at (4)(c) through (f) below and the water management standards of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(d). "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.
- (a) When evaluating whether the proposed diversion meets the criteria set forth at (4)(c) through (f) below, all of the applicant's allocations in an HUC-11 watershed, in addition to the proposed diversion, shall be included in the evaluation.
- (b) The standards set forth at (4)(c) through (f) below shall not apply to:
- [1] A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:
- [a] Be approximately the same depth as the existing well;
 - [b] Divert from the same aquifer as the existing well;
 - [c] Have the same or lesser pump capacity as the existing well;
and
 - [d] Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;
- [2] Any proposed diversion that is exclusively for agricultural or horticultural use; or
- [3] Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

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

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

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

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

- (5) No Change.
- (6) No Change.
- (7) No Change.
- (8) No Change.
- (9) No Change.
- (10) No Change.
- (11) No Change.
- (12) No Change.
- (13) No Change.
- (14) No Change.
- (15) No Change.
- (16) No Change.
- (17) No Change.

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

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

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

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

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

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

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

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

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

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

NOTICE

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

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER
ATTORNEYS AT LAW



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Forked River, NJ 08731

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Christopher A. Khatami
William J. Oxley

*Also admitted in NY

GL-2671

April 12, 2024

Via Email

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

RE: Pinelands Comprehensive Management Plan (CMP)

Dear Executive Director Grogan:

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

Thank you for your attention to this matter.

Very truly yours,

s/Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

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

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William J. Oxley
*Also admitted in NY

File No.: GL-2672

April 12, 2024

Via Email

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

Re: Ordinance re CMP Amendments

Dear Donna:

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

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

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

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enc.

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

ORDINANCE 2024 - 9

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

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

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

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

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

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

NOTICE OF PENDING ORDINANCE

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

**Donna Manno, RMC
Township Clerk**

NOTICE OF ADOPTION OF ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the ordinance published herewith has been finally adopted by the Township Committee of the Township of Barnegat, in the County of Ocean, New Jersey on June 4, 2024.

Donna Manno, RMC, Township Clerk

ORDINANCE 2024 - 10

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

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

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

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

Section 3. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as {00092232;v1/ 94-55-/020}

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

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

NOTICE OF PENDING ORDINANCE

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

**Donna Manno, RMC
Township Clerk**

ORDINANCE NO. 2024-11

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

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

SECTION 1.

§46B-3.1 Floodplain Administrator Designation.

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

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

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

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

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

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

NOTICE

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

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER

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

File No.: GL-2672

May 2, 2024

Via Email

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

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

Dear Donna:

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

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

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

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

ORDINANCE NO. 2024-12

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE

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

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

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

File No.: GL-2966

May 2, 2024

Via Email

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

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

Dear Donna:

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

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

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

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

ORDINANCE NO. 2024-13

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

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

SECTION 1.

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

§55-329.1 Scope and Purpose.

A. Policy Statement

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

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

B. Purpose

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

C. Applicability

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

D. Compatibility with Other Permit and Ordinance Requirements

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

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

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

§55-329.2. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Major development”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A net increase of impervious surface;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes to Tables 1, 2, and 3:

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

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

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

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

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

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

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

P. Groundwater Recharge Standards

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

Q. Stormwater Runoff Quality Standards

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

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where

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

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

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

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

R. Stormwater Runoff Quantity Standards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 5: Current Precipitation Adjustment Factors

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

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

Table 6: Future Precipitation Change Factors

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

§55-329.6 Sources for Technical Guidance:

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

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

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

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

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

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

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

§55-329.7 Solids and Floatable Materials Control Standards:

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

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

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

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

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

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

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

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

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

§55-329.8 Safety Standards for Stormwater Management Basins:

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

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

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

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

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

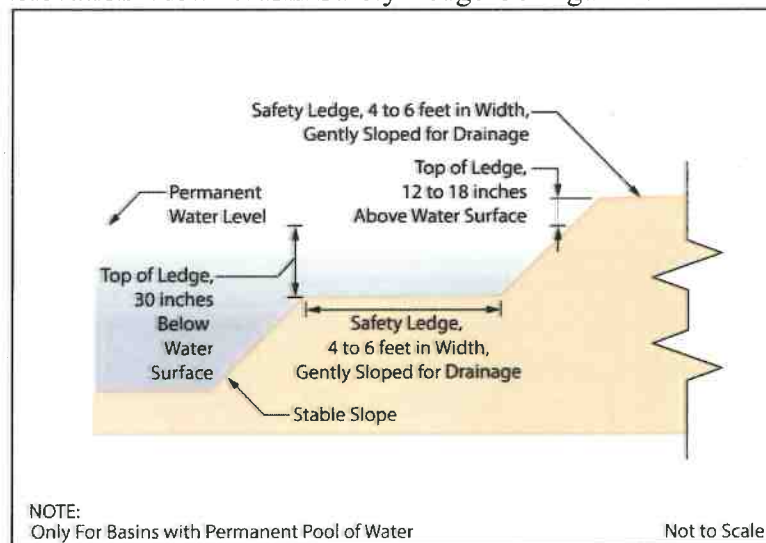
- ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and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

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



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

- A. Submission of Site Development Stormwater Plan

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

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

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

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

7. Maintenance and Repair Plan

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

8. Waiver from Submission Requirements

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

§55-329.10 Maintenance and Repair:

A. Applicability

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

B. General Maintenance

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

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

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

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

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

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

§55-32.11 Penalties and Enforcement

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

§55-329.12 Severability:

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

§55-329.13 Effective Date:

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

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

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

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

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

NOTICE

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

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER
ATTORNEYS AT LAW

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

RESOLUTION 2024-196

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

WHEREAS, premiums were paid on Tax Sale Certificates; and

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

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

Block 116.04	Lot 11; 24 Forester Drive
Block 114.26	Lot 62; 119 Lexington Blvd
Block 114.56	Lot 21; 11 Tara Court

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 May 7, 2024.

Donna M. Manno, RMC
Municipal Clerk

FIGCUST FIGNJ19LLC & SEC PTY

BLOCK/LOT	ADDRESS	CERTIFICATE #	PREMIUM	DATE MAILED	CK #	CERT RCVD
116.04/11	24 FORESTER DR	21-00072	\$2,000.00			X
114.26/62	119 LEXINGTON BLVD	21-00048	\$2,000.00			X
			\$4,000.00			

INDPALITY II, LLC

BLOCK/LOT	ADDRESS	CERTIFICATE#	PREMIUM	DATE MLD	CHECK #	CERT REC'D
114.56/21	11 TARA COURT	21-00067	1,900.00			X
			1,900.00			

RESOLUTION 2024-197

**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 DR Horton, for the attached parcels totaling \$4,320.00

WHEREAS, the builder wanted to upgrade to 1 inch water meters and then decided to keep 5/8 inch water meters which resulted in overpayments on the attached accounts

WHEREAS, a request for a refund of the overpayments has been requested and proof of payment received

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the water/sewer accounts to,

DR Horton
2040 Briggs Road, Suite A
Mt Laurel NJ 08054

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the CFO be directed to draft a check in the amount of \$4,320.00 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 May 7, 2024

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-198

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

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

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

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

PHOENIX PINELANDS CORPORATION
MINING PERMIT
PB08-24#2
BLOCK 469 LOT14 BLOCK 50 LOTS 2 & 3
ACCOUNT # 7765591001
PLANNING BOARD REVIEW ESCROW \$ 922.58

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

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township at their regular meeting held on the 7th day of May 2024 at The Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-199

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

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

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

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

AT&T WIRELESS
BLOCK 45 LOT 4
ZB 02-04
ACCOUNT # 7200037251
ZONING REVIEW ESCROW \$ 388.75

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

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township at their regular meeting held on the 7th day of May 2024 at The Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION NO. 2024 –200

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING REDUCTION OF THE SITE
PERFORMANCE BOND TO BARNEGAT TERRACE,
BLOCK 162.01, LOT 1.02**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) received a request from the Developer Barnegat Terrace, LLC, for reduction in the Performance Guarantee for site improvements for a project known as Barnegat Terrace, Block 162.01, Lot 1.02; and

WHEREAS, the Township’s Consulting Engineer CME Associates has performed a site inspection of the improvements and issued a review memorandum dated May 1, 2024, a copy of which is attached hereto and made a part hereof, recommending a reduction in the Performance Guarantee as follows:

	<u>Original Amounts</u>	<u>New Amounts by this Reduction</u>
Performance Guarantee:	\$740,759.00	\$222,227.70
Surety Bond or Letter of Credit:	\$666,683.00	\$200,004.90
Cash Guarantee:	\$ 74,076.00	\$ 22,222.80

WHEREAS, pursuant to the Municipal Land Use Law, no further reductions of the Performance Guarantee will be approved until all the required work has been completed and accepted by the Township; and

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

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

1. The Township authorizes a reduction of the Performance Guarantee as follows:

	<u>Original Amounts</u>	<u>New Amounts by this Reduction</u>
Performance Guarantee:	\$740,759.00	\$222,227.70
Surety Bond or Letter of Credit:	\$666,683.00	\$200,004.90
Cash Guarantee:	\$ 74,076.00	\$ 22,222.80

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

- (a) Joseph Marte, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Office
- (e) Kurt Otto, PE, Township Engineer
- (f) Zachary Jordan, PE, CME Associates
- (g) Christopher J. Dasti, Esq. Township Attorney
- (h) Stephan R. Leone, Esq, Applicant's Attorney

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on May 7, 2024, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk



R. STONE & COMPANY

Serving the Jersey Shore Since 1976

November 6, 2023

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

Re: Barnegat Terrace Site Bond
Lot 1.02, Block 162.01
Planning Board No. PB 16-04/Resolution P2016-25

Dear Ms. Manno:

I am writing today to **request the reduction of the following performance bond** posted with your office relative to the above project:

- a. Bond No. S315801 issued by NGM Insurance Company in the amount of \$666,683 representing required ***SITE WORK surety bond.***

By copy of this letter to CME, we are requesting an inspection of this work for the purpose of **bond reduction.** It would be appreciated if CME would contact our project super, Joe Bockin (908-692-0999) with the inspection date so that he can be present.

Thank you for your prompt attention to this request.

Very truly yours,

Kathleen A. Reabold

Kathleen A. Reabold for
R. STONE AND COMPANY

CC: Zachary M. Jordan, PE
CME Associates

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

May 1, 2024

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

**Re: Request for Reduction of Performance Guarantee
Site Improvements
Barnegat Terrace
Our File: 115.BGP0162.V01**

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 **reduction** of the performance guarantee for the required site improvements. Please be advised that there has been substantial completion of the required water improvements at this site as shown on the attached spreadsheet. Therefore, our office has no objection to the performance guarantee being reduced to thirty percent (30%) of the original amounts as set forth below.

	<u>Original Amounts</u>	<u>New Amounts by this Reduction</u>
Performance Guarantee:	\$ 740,759.00	\$ 222,227.70
Surety Bond or Letter of Credit:	\$ 666,683.00	\$ 200,004.90
Cash Guarantee:	\$ 74,076.00	\$ 22,222.80

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 **all** of the required work has been completed and accepted by the Township.

Should you have any questions, or require any additional information regarding this matter, please do not hesitate to contact this office.

Very truly yours,
CME Associates

Zachary Jordan, PE, CME
Office of Township Consulting Engineer

ZMJ/rd/cc
Enclosure

cc: Martin Lisella, Township Administrator
Tom Lombarski, CFO
Christine Roessner, Township Finance
Christopher Dasi, Esq., Township Attorney
Kurt Otto, PE, Township Engineer
Barnegat Terrace, LLC - Applicant
Stephan R. Leone, Esq. - Applicant's Attorney
Challoner & Associates - Applicant's Engineer

S:\Barnegat\Site Inspections\WBGP0162-01 Barnegat Terrace\Bond Reduction\24-05-01 - Site Perf Bond Reduction.doc

CONSULTING AND MUNICIPAL ENGINEERS

NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000

849 W. BAY AVENUE, SUITE 15 • BARNEGAT, NEW JERSEY 08005 • (732) 440-0000 • FAX: (732) 440-0001



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

PERFORMANCE GUARANTEE AND ENGINEERING & INSPECTION ESCROW ESTIMATE

PROJECT: Preliminary & Final Plat - Major Subdivision
 Barnegat Terrace
 Barnegat Township, Ocean County, New Jersey

APPLICANT: Barnegat Terrace, LLC
 201 Main street, Suite 2D
 Toms River, NJ 08753

Plans used to prepare this estimate are comprised of seventeen (17) sheets entitled "Preliminary & Final Plat - Major Subdivision Barnegat Terrace for Barnegat Terrace, LLC Lot 1.02 Block 162.01" prepared by Stuart Chaloner, PE (Sheets 1, 3-17) and Edwin J. Hales, PLS, (Sheet 2) with Challoner & Associates LLC of Toms River, NJ and bearing a latest revision date of October 3, 2018.

ITEM	DESCRIPTION	QUANTITY		UNIT PRICE	TOTAL PRICE	QUANTITY INSTALLED		APPROX. % COMPLETE	TOTAL INCOMPLETE QUANTITY		% INCOMPLETE	
		AC	EA			AC	EA		AC	EA	AC	EA
1	Cleaning and Grubbing	7	AC	\$5,000.00	\$33,000.00	7	AC	100.00%	0.00	AC	\$0.00	0.00%
2	Stabilized Construction Entrance	1	EA	\$2,000.00	\$2,000.00	1	EA	100.00%	0.00	EA	\$0.00	0.00%
3	Inlet Protection	6	EA	\$100.00	\$600.00	6	EA	100.00%	0.00	EA	\$0.00	0.00%
4	Silt Fence	3,100	LF	\$3.00	\$9,300.00	3,100	LF	100.00%	0.00	LF	\$0.00	0.00%
5	Ocean County Concrete Curb	825	LF	\$20.00	\$16,500.00	825	LF	100.00%	0.00	LF	\$0.00	0.00%
6	Municipal Concrete Curb	1,770	LF	\$17.00	\$30,090.00	1,770	LF	100.00%	0.00	LF	\$0.00	0.00%
7	Ocean County Street Pavement, Including: 2" F.A.B.C. Surface Course 4" Stabilized Base Course 6" Compacted Gravel Base	325	SY	\$42.00	\$13,650.00	325	SY	100.00%	0.00	SY	\$0.00	0.00%
8	Residential Street Pavement, Including: 1.5" F.A.B.C. Surface Course 4.5" Stabilized Base Course 6" Compacted Gravel Base	3,250	SY	\$42.00	\$136,500.00	3,250	SY	100.00%	0.00	SY	\$0.00	0.00%
9	Asphalt Sidewalk Restoration, Including: 2.5" F.A.B.C. Surface Course 4" Compacted Gravel Base	350	SY	\$20.00	\$7,000.00	350	SY	100.00%	0.00	SY	\$0.00	0.00%
10	Concrete Sidewalk, 4" thick	640	SY	\$36.00	\$23,040.00	640	SY	100.00%	0.00	SY	\$0.00	0.00%
11	Handicap Ramp	4	EA	\$250.00	\$1,000.00	2	EA	50.00%	2.00	EA	\$500.00	50.00%
12	Reinforced Concrete Apron & Sidewalk, 6" thick	280	SY	\$72.00	\$20,160.00	280	SY	100.00%	0.00	SY	\$0.00	0.00%
13	No Parking Sign	5	EA	\$150.00	\$750.00	5	EA	100.00%	0.00	EA	\$0.00	0.00%
14	Stop Sign	2	EA	\$175.00	\$350.00	2	EA	100.00%	0.00	EA	\$0.00	0.00%
15	Stop Bar, 18" wide	30	LF	\$9.00	\$270.00	30	LF	100.00%	0.00	LF	\$0.00	0.00%
16	No Outlet Sign	1	EA	\$150.00	\$150.00	1	EA	100.00%	0.00	EA	\$0.00	0.00%
17	Street Name Sign	2	EA	\$300.00	\$600.00	2	EA	100.00%	0.00	EA	\$0.00	0.00%
18	Crosswalk Striping, 24" Wide Continental Style	95	LF	\$12.00	\$1,140.00	95	LF	100.00%	0.00	LF	\$0.00	0.00%
19	Crosswalk Striping, 6" Wide	148	LF	\$3.00	\$444.00	0	LF	0.00%	148.00	LF	\$444.00	100.00%
20	100 Watt Decorative Light, Single, 14 ft High	5	EA	\$2,400.00	\$12,000.00	5	EA	100.00%	0.00	EA	\$0.00	0.00%
21	Type B Inlet (0'-8" depth)	4	EA	\$1,700.00	\$6,800.00	4	EA	100.00%	0.00	EA	\$0.00	0.00%
22	Type B Inlet (12'-14" depth)	1	EA	\$2,200.00	\$2,200.00	1	EA	100.00%	0.00	EA	\$0.00	0.00%
23	Type E Inlet (0'-8" depth)	2	EA	\$1,600.00	\$3,200.00	2	EA	100.00%	0.00	EA	\$0.00	0.00%
24	Outlet Structure	1	EA	\$2,000.00	\$2,000.00	1	EA	100.00%	0.00	EA	\$0.00	0.00%
25	Storm Manhole (0'-8" depth)	1	EA	\$1,500.00	\$1,500.00	1	EA	100.00%	0.00	EA	\$0.00	0.00%
26	Storm Manhole (10'-12" depth)	2	EA	\$1,900.00	\$3,800.00	2	EA	100.00%	0.00	EA	\$0.00	0.00%
27	15" Class III RCP Pipe (0'-8" depth)	331	LF	\$28.00	\$9,268.00	331	LF	100.00%	0.00	LF	\$0.00	0.00%
28	21" Class III RCP Pipe (0'-8" depth)	241	LF	\$33.00	\$7,953.00	241	LF	100.00%	0.00	LF	\$0.00	0.00%
29	21" Class III RCP Pipe (8'-10" depth)	77	LF	\$35.00	\$2,695.00	77	LF	100.00%	0.00	LF	\$0.00	0.00%
30	36" Perforated HDPE	556	LF	\$79.00	\$43,924.00	556	LF	100.00%	0.00	LF	\$0.00	0.00%
31	15" RCP Flared End Section	2	EA	\$600.00	\$1,200.00	2	EA	100.00%	0.00	EA	\$0.00	0.00%
32	15" Headwall with Wingwalls	1	EA	\$1,200.00	\$1,200.00	1	EA	100.00%	0.00	EA	\$0.00	0.00%

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE	QUANTITY INSTALLED	\$ AMOUNT INSTALLED	APPROX. % COMPLETE	TOTAL		% INCOMPLETE
								INCOMPLETE QUANTITY	\$ AMOUNT INCOMPLETE	
33	21" Headwall with Wingwalls	1 EA	\$1,800.00	\$1,800.00	1 EA	\$1,800.00	100.00%	0.00	EA	0.00%
34	36" Headwall with Wingwalls	1 EA	\$3,000.00	\$3,000.00	1 EA	\$3,000.00	100.00%	0.00	EA	0.00%
35	Roof Recharge System with Drywell for S.F.D.	18 EA	\$2,400.00	\$43,200.00	18 EA	\$43,200.00	100.00%	0.00	EA	0.00%
36	Basin Excavation	1,470 CY	\$3.50	\$5,145.00	1,470 CY	\$5,145.00	100.00%	0.00	CY	0.00%
37	Basin Fence	565 LF	\$9.00	\$5,085.00	565 LF	\$5,085.00	100.00%	0.00	LF	0.00%
38	Concrete Block Retaining Wall	2,185 SF	\$30.00	\$65,550.00	2,185 SF	\$65,550.00	100.00%	0.00	SF	0.00%
39	Outlet Protection Rip Rap Stone	4 TON	\$35.00	\$140.00	4 TON	\$140.00	100.00%	0.00	TON	0.00%
40	6" Layer of K5 Sand in Basin Bottom	370 SY	\$7.00	\$2,590.00	370 SY	\$2,590.00	100.00%	0.00	SY	0.00%
41	Basin Access Driveway - 3" Thick Gravel on Filter Fabric	120 SY	\$7.50	\$900.00	120 SY	\$900.00	100.00%	0.00	SY	0.00%
42	Scarlet Oak, 2"-2 1/2" Cal. B&B	27 EA	\$360.00	\$9,720.00	27 EA	\$9,720.00	100.00%	0.00	EA	0.00%
43	October Glory Red Maple, 2"-2 1/2" Cal. B&B	9 EA	\$300.00	\$2,700.00	9 EA	\$2,700.00	100.00%	0.00	EA	0.00%
44	October Glory Red Maple, 2"-2 1/2" Cal. B&B	9 EA	\$300.00	\$2,700.00	0 EA	\$0.00	0.00%	9.00	EA	100.00%
45	Green Mountain Silver Linden, 2"-2 1/2" Cal. B&B	7 EA	\$350.00	\$2,450.00	0 EA	\$0.00	0.00%	7.00	EA	100.00%
46	Leland Cypress, 6'-8" Height, B&B	12 EA	\$250.00	\$4,900.00	1 EA	\$250.00	8.33%	16.00	EA	94.12%
47	Norway Spruce, 6'-8" Height, B&B	73 EA	\$130.00	\$9,490.00	1 EA	\$250.00	8.33%	11.00	EA	91.67%
48	Wintergreen Arborvitae, 6'-8" Height, B&B	3 EA	\$300.00	\$900.00	4 EA	\$520.00	5.48%	69.00	EA	94.52%
49	October Glory Red Maple, 2"-2 1/2" Cal. B&B	3 EA	\$300.00	\$900.00	2 EA	\$600.00	66.67%	1.00	EA	33.33%
50	Green Mountain Silver Linden, 2"-2 1/2" Cal. B&B	3 EA	\$350.00	\$1,050.00	2 EA	\$700.00	66.67%	1.00	EA	33.33%
51	October Glory Red Maple, 1 1/2"-2" Cal. B&B	3 EA	\$250.00	\$750.00	2 EA	\$500.00	66.67%	1.00	EA	33.33%
52	Green Mountain Silver Linden, 1 1/2"-2" Cal. B&B	3 EA	\$265.00	\$795.00	1 EA	\$265.00	33.33%	2.00	EA	66.67%
53	Green Mountain Silver Linden, 8'-10" Whips	4 EA	\$40.00	\$160.00	0 EA	\$0.00	0.00%	4.00	EA	100.00%
54	Green Mountain Silver Linden, 8'-10" Whips	3 EA	\$45.00	\$135.00	0 EA	\$0.00	0.00%	3.00	EA	100.00%
55	Heritage River Birch, 8'-10" Height	7 EA	\$200.00	\$1,400.00	2 EA	\$400.00	28.57%	5.00	EA	71.43%
56	Pink Summersweet, #2 Can	121 EA	\$3,630.00	\$3,630.00	0 EA	\$0.00	0.00%	121.00	EA	100.00%
57	Doogwood, 8'-10" Height	3 EA	\$220.00	\$660.00	3 EA	\$660.00	100.00%	0.00	EA	0.00%
58	Zumi Crabapple, 2 1/2"-3" Cal. B&B	7 EA	\$400.00	\$2,800.00	0 EA	\$0.00	0.00%	7.00	EA	100.00%
59	Norway Spruce, 7'-8" Height, B&B	29 EA	\$250.00	\$7,250.00	0 EA	\$0.00	0.00%	29.00	EA	100.00%
60	Purple Leaf Sand Cherry, 3 Gal.	10 EA	\$30.00	\$300.00	0 EA	\$0.00	0.00%	10.00	EA	100.00%
61	Colorado Spruce, 7'-8" Height, B&B	23 EA	\$260.00	\$5,980.00	0 EA	\$0.00	0.00%	23.00	EA	100.00%
62	Scarlet Oak, 2"-2 1/2" Cal. B&B	8 EA	\$360.00	\$2,880.00	0 EA	\$0.00	0.00%	8.00	EA	100.00%
63	Rhododendron, 3' Height, B&B	57 EA	\$35.00	\$1,995.00	0 EA	\$0.00	0.00%	57.00	EA	100.00%
64	Leatherleaf Viburnum, 3 Gal.	44 EA	\$40.00	\$1,760.00	0 EA	\$0.00	0.00%	44.00	EA	100.00%
65	Topsoil, Fertilizer and Sod within ROW	1,090 SY	\$7.00	\$8,890.00	1,090 SY	\$7,630.00	85.83%	180.00	SY	14.17%
66	Topsoil, Fertilizer and Meadow Mix	940 SY	\$4.00	\$3,760.00	940 SY	\$3,760.00	100.00%	0.00	SY	0.00%
67	Topsoil, Fertilizer and Seed	730 SY	\$4.00	\$2,920.00	730 SY	\$2,920.00	100.00%	0.00	SY	0.00%
68	Mulching	2,520 SY	\$5.00	\$12,600.00	2,520 SY	\$12,600.00	100.00%	0.00	SY	0.00%
				\$617,299.00		\$564,265.00	91.41%			8.59%
20% Contingency				\$123,460.00		30% Reduced Amounts				
Total Performance Guarantee Estimate				\$740,759.00		\$222,227.70				
Cash Guarantee										
(10% of Total Performance Guarantee Amount)				\$74,076.00		\$22,222.80				
Surety Bond or Letter of Credit										
(90% of Total Performance Guarantee Amount)				\$666,683.00		\$200,004.90				
Inspection Escrow										
5% of the Estimated Construction Cost				\$30,865.00						
(.05 x \$617,299.00)										

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
William J. Oxley
*Also admitted in NY

File No. GL-165

May 2, 2024

Via Email

Donna Manno, Township Clerk
Township of Barnegat
900 W Bay Avenue
Barnegat, New Jersey 08005

RE: Resolution Authorizing Reduction of the Site Performance Guarantee to
Barnegat Terrace, Block 162.01, Lot 1.02

Dear Donna:

Attached please find resolution authorizing the reduction in the performance guarantee for Barnegat Terrace. This can be placed on the agenda for the next Township Committee meeting.

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

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Martin Lisella, Township Administrator-via email
Thomas Lombarski, CFO-via email
Christine Roessner, Finance Department-via email
Kurt Otto, PE, Township Engineer-via email
Zachary Jordan, PE, CME Associates-via email
Stephan R. Leone, Esq., Applicant's Attorney-via email

RESOLUTION NO. 2024-201

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY AUTHORIZING
RECORDING OF A STORMWATER BASIN EASEMENT
BETWEEN THE TOWNSHIP OF BARNEGAT AND
FORESTAR (USA) REAL ESTATE GROUP INC. FOR
BLOCK 90.34, LOT 29**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) had received and reviewed a request for the execution and recording of a Stormwater Management Basin Access and Maintenance Easement from the Developer Forestar (USA) Real Estate Group, Inc. (the “Developer”) for property known as Block 90.34, Lot 29 on the Tax Map of the Township of Barnegat; and

WHEREAS, the easement has been received and reviewed by the Township’s Professional Staff and found to be appropriate; and

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

1. The Township hereby authorizes the execution and recording of the Stormwater Management Basin Access and Maintenance Easement 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) Joseph Marte, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Kurt Otto, PE, Township Engineer
- (d) Zachary M. Jordan
- (e) Forestar (USA) Real Estate Group, Inc.
- (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 May 7, 2024, 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
William J. Oxley
*Also admitted in NY

File No.: GL-2554

May 1, 2024

Via Email

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

**Re: Resolution Authorizing Recording of a Stormwater Management Basin Access
and Maintenance Easement for Block 90.34, Lot 29**

Dear Donna:

Enclosed please find resolution with regard to the above 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: Joseph Marte, Mayor-via email
Martin Lisella, Township Administrator-via email
Kurt Otto, PE, Township Engineer-via email

RESOLUTION NO. 2024-202

**A RESOLUTION OF THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY APPROVING THE PURCHASE OF
BLOCK 165, LOTS 22.02 AND 22.03 BY THE OCEAN
COUNTY NATURAL LANDS TRUST FUND**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the Planning Department for the County of Ocean indicating that the Natural Lands Trust Fund has accepted an offer for purchase of property in Barnegat Township located at Block 165, Lots 22.02 and 22.03; and

WHEREAS, the County of Ocean has requested that the Township approve the Ocean County Natural Lands Trust Fund purchasing the property; and

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

1. The Township hereby approves the purchase by the Ocean County Natural Lands Trust Fund of Block 165, Lots 22.02 and 22.03 in the Township of Barnegat.

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

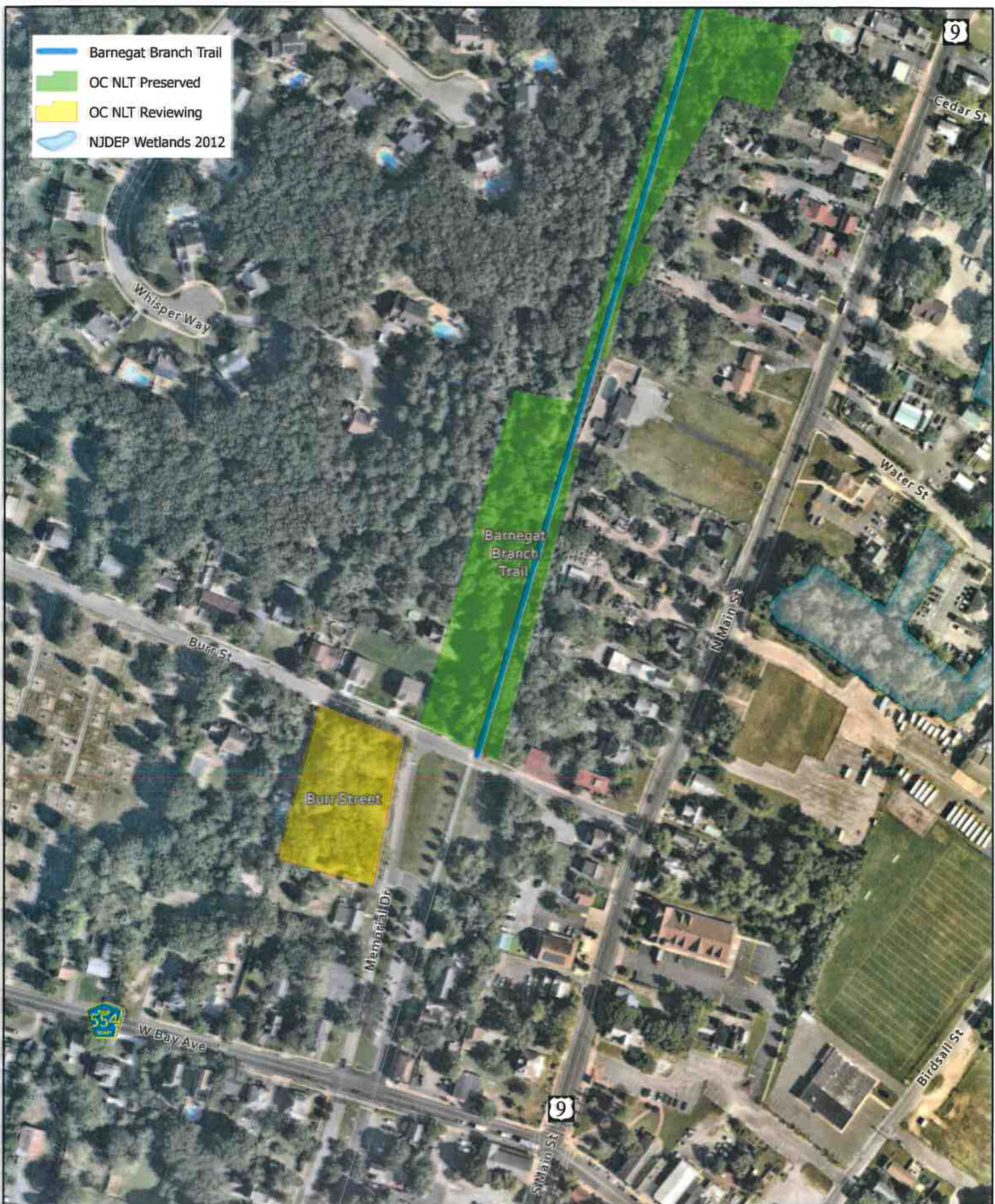
- (a) Mayor Joe Marte
- (b) Martin Lisella, Township Administrator
- (c) Donna Manno, Township Clerk
- (d) Kurt P. Otto, P.E., Township Engineer
- (e) Chris Palmieri, Ocean County Planning Department
- (f) Ocean County Natural Lands Trust Fund
- (g) Christopher J. Dasti, Esq., Township Attorney

CERTIFICATION

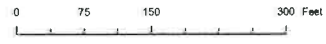
I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on May 7, 2024, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

-  Barnegat Branch Trail
-  OC NLT Preserved
-  OC NLT Reviewing
-  NJDEP Wetlands 2012



**BURR STREET
BARNEGAT TOWNSHIP**



Date: 02/16/24
 Creator: Ocean County Department of Planning GIS
 Contact: (732) 929-2054



Burr Street

Block 165, Lot 22.02 & 22.03 in Barnegat Township
Ocean County Natural Lands Trust Fund Program
Property Fact Sheet

- **This property is approximately 0.65 acres located on Burr Street and Railroad Avenue in Barnegat Township.**
 - **It is adjacent to the Barnegat Branch Trail, which consists of 52 acres and around 16 miles long.**
-

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

📞 609-549-8990
📠 609-549-5043

DastiLaw.com

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

File No.: GL-2977

May 1, 2024

Via Email

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

Re: Resolution Approving the Purchase of Block 165, Lots 22.02 and 22.03

Dear Donna:

Enclosed please find **resolution** with regard to the above 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

Enclosure

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

RESOLUTION NO. 2024-203

**A RESOLUTION OF THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY AUTHORIZING MORGAN
ENGINEERING TO PROVIDE ENGINEERING
SERVICES AND CONSTRUCTION
ADMINISTRATION FOR THE PENNSYLVANIA
AVENUE IMPROVEMENTS**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) previously appointed a pool of engineering firms pursuant to Resolution 2024-21; and

WHEREAS, Morgan Engineering was one of the firms approved; and

WHEREAS, the Township is in need of surveying, engineering, and construction administration services for the Pennsylvania Avenue improvement project between Barnegat Boulevard North and Ravenwood Boulevard which includes water main replacement, road reconstruction, sidewalk, Americans with Disabilities Act ramp upgrades; and

WHEREAS, Morgan Engineering has provided a proposal of \$68,000.00 to provide such engineering services; and

WHEREAS, the Township Engineer Kurt J. Otto, PE, has issued a review memorandum dated April 24, 2024, recommending Morgan Engineering be approved to provide the engineering, surveying, design, bidding services and construction administration/field inspection for the improvements to Pennsylvania Avenue; and

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

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

1. The Township hereby accepts the recommendation of its professional staff and hereby authorizes Morgan Engineering to provide construction services for the Pennsylvania Avenue Improvement Project pursuant to the April 24, 2024 recommendation letter of the Township Engineer and the April 17, 2024 proposal submitted by Morgan Engineering both of which are 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 Joe Marte
- (b) Martin Lisella, Township Administrator
- (c) Kurt Otto, Township Engineer
- (d) Thomas Lombarski, CFMO
- (e) Morgan Engineering
- (f) Christopher J. Dasti, Esq., Township Attorney

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on May 7, 2024, 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
William J. Oxley

*Also admitted in NY

File No.: GL-2976

May 1, 2024

Via Email

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

Re: Resolution Authorizing Morgan Engineering to Provide Engineering Services and Construction Administration for the Pennsylvania Avenue Improvement Project

Dear Donna:

Enclosed please find resolution with regard to the above 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: Joseph Marte, Mayor-via email
Martin Lisella, Township Administrator-via email
Kurt P. Otto, P.E., Township Engineer-via email

RESOLUTION 2024-204

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, STRONGLY OPPOSING THE STATE'S INCREASE TO ANOTHER GASOLINE TAX

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, New Jersey has repeatedly voiced strong opposition to increases in the state gasoline tax: and

WHEREAS, New Jersey is again poised to increase the gas tax to 50 cents – the 4th highest state gasoline tax in the nation; and

WHEREAS, this latest increase will burden Ocean County's nearly 100,000 daily commuters and more than 200,000 senior citizens with an additional financial hardship; and

WHEREAS, this increase comes on the heels of the state already hiking the tolls on the Garden State Parkway and NJ Turnpike and increasing NJ Transit fares by 15 percent; and

WHEREAS, the Township of Barnegat residents already pay a disproportionate amount of these toll and gasoline increases due to limited access to public transportation, forcing residents to rely on their personal vehicles; and

WHEREAS, the Township of Barnegat commuters tend to travel a longer distance on the Parkway to reach their jobs than drivers in many other parts of the state; and

WHEREAS, the increase could also deter visitors from travelling to Ocean County, negatively impacting our \$7 billion tourism industry; and

WHEREAS, while the increase in the gas tax is expected to fund the state's Transportation Trust Fund, the Township Committee of the Township of Barnegat have expressed their collective frustration that money collected from Township of Barnegat residents often goes to urban areas of the state with only limited funding returning to our communities; and

WHEREAS, the Township Committee of Barnegat has repeatedly called on the state to improve Route 9, which remains a two-lane road and very little changed in over a century; and

WHEREAS, Ocean County maintains more than 600 miles of county roads and more than 250 bridges and culverts – one of the largest road networks in the state – making it imperative that the state provide its fair share of funding to the Township of Barnegat.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP OF BARNEGAT, STATE OF NEW JERSEY continues to strongly oppose another increase to the gasoline tax and urges the State of New Jersey to explore all options to sufficiently fund the Transportation Trust Fund through existing sources of revenue without placing as additional burden on the taxpayers of Township of Barnegat and the State of New Jersey.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be sent to Governor Phil Murphy, the 9th, 10th, 12th and 30th Legislative District Representatives, all Ocean County municipalities and the Director of the New Jersey Department of Transportation.

CERTIFICATION

I, Donna M. Manno Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee of the Township of Barnegat at their regular meeting held on the 7th day of May, 2024 in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

Donna M. Manno, RMC
Municipal Clerk

Resolution 2024-205

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING SETTLEMENT AND AMENDING THE COLLECTIVE BARGAINING AGREEMENT TOWNSHIP SUPERIOR OFFICERS' ASSOCIATION

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") and the PBA Local 296 Barnegat Township Superior Officers' Association (hereinafter referred to as the "SOA") are parties to a Collective Negotiations Agreement (hereinafter referred to as the "SOA Contract") covering the period from January 1, 2022 through December 31, 2026; and

WHEREAS, the Township finds it necessary and appropriate to authorize the Settlement by and between the Township and Sergeant Richard Boyle and Sergeant Kyle Cranmer and awarding longevity pay/Senior Officer pay; and

WHEREAS, the Township finds it necessary and appropriate to authorize execution of an Amendment to the SOA Contract currently in place; and

WHEREAS, the current PBA Local 296 Barnegat Township Superior Officers' Association Collective Bargaining Agreement is on file at the Office of the Township Clerk and can be viewed during normal business hours.

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

1. The Township hereby authorizes the settlement agreement and amendments codified hereto and attached herewith.

2. The agreement is on file at the Office of Township Clerk and can be viewed during normal business hours.

3. The Township hereby authorizes the Mayor, Township Committee, Township Administrator, Township Clerk and Township CFO to execute any and all documents to implement the intent of this resolution.

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

- (a) Joseph Marte, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Tom Lombarski, CFO
- (d) Susan McCabe, Esq., Township Labor Counsel

CERTIFICATION

I, Donna M. Manno Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee of the Township of Barnegat at their regular meeting held on the 7th day of May, 2024 in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

Donna M. Manno, RMC
Municipal Clerk

Prepared by:

THE LAW OFFICES OF SUSAN MCCABE

SOA UNION CONTRACT SETTLEMENT AGREEMENT/ADDENDUM

The Township of Barnegat (“Township”) and PBA Local 296 Barnegat Township Superior Officers’ Association (“SOA”) enter into this Agreement as follows:

WHEREAS, the Township and the SOA are parties to a Collective Negotiations Agreement (herein “SOA Contract”) covering the period from January 1, 2022 through December 31, 2026; and

WHEREAS, the V of the SOA Contract provides:

A. Each employee of the Township shall be paid in addition to his/her current annual wages a longevity increment, based upon his/her years of employment with the employer, including all time employed including all positions within the police department, a percentage of his/her basic salary, in accordance with the following schedule:

Start of the 5 th year of service	=	5 percent
Start of the 8 th year of service	=	6 percent
Start of the 11 th year of service	=	7 percent
Start of the 14 th year of service	=	8 percent
Start of the 17 th year of service	=	9 percent
Start of the 20 th year of service	=	10 percent

B. Beginning with the start of the employee's tenth year of service with the Township employees shall receive \$2,500 Senior Officer Status pay to be paid pursuant to Article IV paragraph 2.

C. Longevity payments will be included in the computation of the daily rates that apply for the calculation of benefits, excluding salary increases. Longevity increments shall be included in the salary based upon the January and July increments described in Article IV.

WHEREAS, Sergeant Richard Boyle (“Boyle”) was hired as a police officer by the Township on September 4, 2018 and promoted to Sergeant on March 7, 2023; and

WHEREAS, Boyle requested that the Township pay him 5% longevity pursuant to Article V of the SOA Contract when he commenced his 5th year of service; and

WHEREAS, Sergeant Kyle Cranmer (“Cranmer”) was hired as a police officer by the Township on April 14, 2014 and promoted to Sergeant on July 1, 2023; and

WHEREAS, Cranmer requested that the Township pay him \$2500 Senior Officer pay pursuant to Article V of the SOA Contract when he commenced his 10th year of service; and

WHEREAS, the Township denied both requests claiming that Boyle and Cranmer were not entitled to longevity pay and Senior Officer pay, respectively based on the PBA Local 296 collective negotiations agreement (“PBA Contract”) that covers a unit of patrol officers but excludes the rank of Sergeant and above; and

WHEREAS, the SOA filed grievances for Boyle and Cranmer alleging that the Township violated the SOA Contract by refusing to provide Boyle with longevity pay and Cranmer with Senior Officer pay;

WHEREAS, the Township and the SOA were unable to resolve the Boyle grievance through the steps of the SOA Contract’s grievance procedure and the SOA filed for binding arbitration with the Public Employment Relations Commission (“PERC”); and

WHEREAS, PERC docketed the arbitration as AR-2024-305 and assigned it to Arbitrator Gayle Mazuco ; and

WHEREAS, the parties agreed to stay the Cranmer grievance and apply the decision of Arbitrator Mazuco in the Boyle grievance to the former; and

WHEREAS, all parties to this Agreement desire to settle both grievances;

NOW THEREFORE, in consideration of the mutual covenants and undertakings herein the parties agree as follows:

1. The Township acknowledges that Boyle is entitled to longevity pursuant to Article V of the SOA Contract and agrees to pay hm 5% longevity effective and retroactive to the commencement of his 5th year of employment.

2. The Township acknowledges that Cranmer is entitled to Senior Officer pay of \$2500 pursuant to Article V of the SOA Contract and agrees to pay him that amount effective and retroactive to the commencement of his 10th year of employment.

3. The Township further agrees that the following Sergeants and patrol officers who were hired after the eligibility dates set forth in the PBA Contract for Senior Officer pay (on or before 1/1/12) and longevity pay (on or before 1/1/18) are eligible to receive Senior Officer and longevity pay as current or future members of the SOA negotiations unit:

Richard Boyle (currently a Sergeant)

Kyle Cranmer (currently a Sergeant)

Anthony Carlo

Mark Simko

Angel Roman

Keith Smith

4. In consideration for the relief set forth in paragraphs 1 through 3, above, the SOA agrees to add the following language to Article V of the SOA Contract: "Except for the Officers covered by the grievance settlement between the SOA and the Township regarding PERC arbitration docket No. AR-2024-305, and annexed to this Contract as Exhibit A, officers hired after January 1, 2018 and after January 1, 2012, shall not be eligible for Longevity and/or Senior Officer pay, respectively."

5. In further consideration for the relief set forth in paragraphs 1 through 3, above, the SOA agrees to withdraw the grievances filed on behalf of Boyle and Cranmer and to dismiss AR-2024-305 with prejudice.

6. This Agreement is subject to ratification by the SOA membership before it is effective.

7. All other language of the SOA Contract not addressed herein shall remain unchanged.

**PBA LOCAL 296 BARNEGAT TOWNSHIP
SUPERIOR OFFICERS' ASSOCIATION**

TOWNSHIP OF BARNEGAT

WAYNE ESLINGER,
President

MARTIN LISELLA
Township Administrator

CHRIS EBERT
PBA 296 State Delegate

RESOLUTION 2024-206

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING EXECUTION OF AN EMPLOYMENT
AGREEMENT WITH THE CHIEF OF POLICE,
JASON D. CARROLL FROM MAY 1, 2024
THROUGH DECEMBER 31, 2029**

WHEREAS, the Township is desirous to execute an employment agreement with the Chief of Police effective May 1, 2024 through December 31, 2029; and

WHEREAS, the employment agreement has been negotiated between the parties and is on file at the Office of the Township Clerk and can be viewed during normal business hours.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of May, 2024 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 authorizes the execution of an employment agreement with Chief of Police Jason D. Carroll for the term beginning May 1 2024 through December 31, 2029 which is on file at the Office of the Township Clerk.

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

- (a) Joseph Marte, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Jason D. Carroll, Chief of Police
- (d) Tom Lombarski, CFO

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat in the County of Ocean, New Jersey do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Township of Barnegat on May 7, 2024.

Donna M. Manno, RMC
Municipal Clerk

AGREEMENT BETWEEN
TOWNSHIP OF BARNEGAT
AND
CHIEF JASON D. CARROLL

MAY 1, 2024 THROUGH DECEMBER 31, 2029

ARTICLE 1

RECOGNITION AND SCOPE

THIS AGREEMENT, entered into on this ___ day of _____ 2024 by and between the Township of Barnegat, in the County of Ocean and STATE OF New Jersey (hereinafter referred to as the Township), and Jason Carroll (hereinafter referred to as the Chief of Police), hereby establishes the following terms and conditions of employment for the position of Chief of Police. This Agreement represents the complete and final understanding on all bargaining issues between the Township and the Chief of Police. This Agreement shall govern all wages, hours and other conditions of employment herein set forth. This Agreement is made pursuant to a resolution adopted by the Township Committee of the Township of Barnegat at a public meeting.

ARTICLE II

COLLECTIVE BARGAINING PROCEDURE

SECTION 1. Collective bargaining with respect to rates of pay, hours of work and other conditions of employment shall be conducted by the duly authorized bargaining agent of each of the parties. Unless otherwise designated, the Mayor of the Employer or his designees and members of the Committee as designated by the Township Committee of the Township of Barnegat and the Chief of Police or his designee together with members of his negotiating Committee, shall be the respective negotiating agents for the parties.

SECTION 2. Collective bargaining meetings shall be held at times and places mutually convenient at the request of either party.

SECTION 3. The Chief may be excused from his work assignments in order to participate at collective bargaining agreement meetings.

ARTICLE III

DISCRIMINATION AND COERCION

There shall be no discrimination, interference of coercion by the Employer or any of its agents or Employees against activity by the Chief. Neither the Employer nor the Chief shall discriminate against any Employee because of race, color, creed, sex, national origin or political affiliation.

ARTICLE IV

SALARY

SECTION ONE: Commencing May 1, 2024, the Base Salary for the Chief of Police shall be \$196,000.00.

SECTION TWO: Commencing May 1, 2025, the Base Salary for the Chief of Police shall be \$206,000.00

SECTION THREE: Effective January 1, 2025, a two percent (2%) increase shall be calculated each year for 2025, 2026, 2027, 2028, and 2029.

SECTION FOUR: The Chief's salary shall be calculated by adding stipends, longevity, on-call pay, and education pay into the base salary listed in Sections above.

SECTION FIVE: The Township and Chief of Police agree and acknowledge that there shall be a minimum salary differential of at least ten percent (10%) between the ranks of Captain of the Barnegat Township Police Department and the Barnegat Township Chief of Police throughout the duration of this Agreement.

ARTICLE V

MANAGEMENT RIGHTS

The Township hereby retains and reserves unto itself all powers, rights, authority, duties and responsibilities conferred upon and vested in it prior to the signing of this Agreement by the laws and Constitution of the State of New Jersey and of the United States, except those limited by the specific and express terms of this Agreement, and then only to the extent that such specific and express terms hereof are in conformance with the Constitution and the laws of the State of New Jersey and the United States.

Nothing in this Agreement shall be construed to abrogate or interfere with the duties, rights and obligations of the Township as imposed by the Constitution and laws of the State of New Jersey and the United States.

ARTICLE VI

RESPONSIBILITIES OF THE CHIEF OF POLICE

Pursuant to state law, the Ordinances of the Township and the regulations and policies established by the Township and Attorney General of the State of New Jersey, the responsibilities of the appointed Chief of Police shall include the responsibility to:

- a) Conduct and manage the day-to-day operation of the Barnegat Township Police Department.
- b) Administer and enforce rules and regulations, act as the chief executive officer and appropriate authority for all matters and personnel assigned to the police department.
- c) Have, exercise and discharge the functions, power and duties of the police force.
- d) Delegate such authority as he may deem necessary for the efficient operation of the police force to be exercised under his direction and supervision.
- e) Prescribe the duties and assignments of all subordinates and other personnel.
- f) Report monthly, in written form, to the Township an overview of police activity for the preceding month.

ARTICLE VII

WORK WEEK

SECTION ONE: The position of Chief of Police is a salaried position compensated pursuant to Article IV of this agreement. The Chief of Police shall spend sufficient time at his job to insure the smooth and responsible operation of the Police Department over which he has supervisory control without respect to a specific minimum or maximum number of hours worked per day of each week.

SECTION TWO: The Chief of Police may adjust his work schedule in order to accommodate evening meetings, major crime incidents or other events or incidents that he determines require his attendance.

SECTION THREE: The Chief of Police shall be entitled to utilize vacation, holiday and personal days taken at his discretion in consideration of the police department's needs and with consideration of public safety needs.

SECTION FOUR: Whenever used in this agreement "days" refers to and shall be calculated as 10-hour days.

ARTICLE VIII

SICK LEAVE

SECTION ONE: Sick leave is hereby defined to mean an absence from the post of duty by the Chief of Police, while in good standing, due to illness, accident, injury, disability or the exposure to a contagious disease.

SECTION TWO: In the event the Chief of Police requires leave due to any of the above-stated reasons, not caused by other employment or business ventures, he may request and shall be granted a leave of absence, with full pay, as herein provided.

SECTION THREE: If the Chief of Police is absent from work on sick leave and is unable to report for duty for five (5) or more consecutive working days, the Township may require a physician of its choice to provide a medical statement concerning the need for sick leave. In the alternative, the Township may require the Chief of Police to submit acceptable medical evidence substantiating the need for sick leave.

SECTION FOUR: If the Chief of Police is absent for work reasons that entitle him to sick leave, the Police Department shall be notified as early as possible, but no later than one (1) hour prior to the start of the scheduled work shift from which he is absent, except in the case of an emergency. Failure to so notify may be cause for denial of the use of sick leave for that absence and could constitute cause for disciplinary action.

SECTION FIVE: To the extent permissible pursuant to the Laws of the State of New Jersey: sick leave shall accrue at the rate of fifteen (15) days per year for the Chief of Police, and shall accumulate from year to year, to be used as set forth herein.

SECTION SIX: The Chief may sell back twenty (20) sick days or 200 hrs, regardless of the number of days used. The Chief must maintain a minimum of 200 hrs accumulated after the sell back to be eligible except in the final year of employment. The Chief shall be compensated at the rate of pay for the current year.

ARTICLE IX

BEREAVEMENT LEAVE

The Chief of Police shall receive the following bereavement leave in accordance with the following schedule:

SECTION ONE: Up to eight (8) days shall be granted for the death of a spouse or children.

SECTION TWO: Up to five (5) days shall be granted for the death of a member of the Chief's family, which shall include brothers, sisters, spouse's parents, brother-in-law and sister-in-law and grandparents of the Chief of Police, or his spouse.

SECTION THREE: Up to one (1) day shall be granted for the death of any other family member not described above.

SECTION FOUR: Bereavement leave shall not be cumulative or be carried forward into future years.

ARTICLE X

VACATIONS

SECTION ONE: The Chief of Police shall be entitled to Thirty (30) Days vacation time annually. The Chief of Police will receive his full annual allotment on the 1st day of January each year.

SECTION TWO: The Chief of Police shall be entitled to schedule his vacation time provided that the Chief of Police shall not take vacation leave unless a subordinate is available to assume control of, and responsibility for, the operation of the Barnegat Police Department.

SECTION THREE: The Chief of Police may take vacation time in increments of one hour.

SECTION FOUR: Vacation days not used by the end of the calendar year will be deemed abandoned. Vacation time may not be carried over to the following year. The Chief is not eligible to sell back vacation time annually.

SECTION FIVE: Upon termination for any reason, all accumulated vacation time will be paid to the Chief at his current rate of pay, not later than one (1) month after termination of employment unless a mutual agreement is reached. Any unearned vacation time taken prior to termination will be deducted from the Chief's final compensation.

ARTICLE XI

HOLIDAY TIME

SECTION ONE: The Chief of Police shall be entitled to Fifteen and One Half (15.5) paid holidays per calendar year during the term of this Agreement. Those recognized holidays are as follows:

New Years Day, Martin Luther King Jr., Day, Lincoln's Birthday, Presidents Day, Good Friday, Easter Sunday, Memorial Day, Independence Day, Labor Day, Columbus Day, General Election Day, Veteran's Day, Thanksgiving, Day after Thanksgiving, Christmas Eve (one half day), Christmas Day.

SECTION TWO: Pay for the Fifteen and One Half (15.5) paid holidays shall be made by the Township to the Chief of Police at straight time.

SECTION THREE: Holiday pay shall be incorporated into the Chief of Police's base salary.

ARTICLE XII

PERSONAL TIME

SECTION ONE: The Chief of Police may utilize seven (7) days per year for personal, business, household, or family matters, and such leave shall not accumulate from year to year. Any unused personal days by the Chief of Police shall be deemed abandoned as of December 31st calendar year if unused.

SECTION TWO: As with vacation, the Chief of Police may schedule personal days at his discretion in accordance with adequate manpower coverage to ensure public safety.

ARTICLE XIII

HEALTH INSURANCE AND RELATED BENEFITS

SECTION ONE: The Chief of Police shall receive a full insurance and benefit package identical as given to members of the Barnegat Township PBA 296 Superior Officers Association.

ARTICLE XIV

COMPENSATORY TIME AND OVERTIME

SECTION ONE: Pursuant to this Agreement, the Chief of Police shall NOT be entitled to earn compensatory time (comp. time) under any circumstances.

SECTION TWO: Pursuant to this Agreement, the Chief of Police shall NOT be entitled to overtime under any circumstances.

ARTICLE XV

LEGAL INDEMNIFICATION

SECTION ONE: The Township shall supply the Chief of Police with necessary legal advice and counsel in defense of charges and claims filed against him, including both civil and criminal claims and charges, in the performance of his duties in accordance with the laws of the State of New Jersey and the United States. The Township shall similarly be responsible to indemnify the Chief of Police, and to provide counsel for the Chief of Police, for charges and claims filed against the Chief of Police subsequent to the expiration of this Agreement which relate to the Chief of Police's performance of his duties. This Township's aforementioned obligation is contingent upon a finding by a Court of competent jurisdiction that the Chief of Police acted in a reasonable and proper manner or, in the case of a criminal proceeding, was found to be not guilty of the charges alleged.

SECTION TWO: The obligation of the Township to supply and pay for legal counsel DOES NOT apply in the case of any disciplinary action brought by the Township against the Chief of Police. In any such instance, the Chief of Police shall be fully and wholly responsible for any legal representation and for all costs and fees associated therewith.

ARTICLE XVI

CLOTHING ALLOWANCE

SECTION ONE: Beginning effective January 1, 2025, the Chief of Police shall receive an annual clothing allowance of \$1,600.00. The clothing allowance shall be paid to the Chief in the first payroll in January each eligible year.

SECTION TWO: Clothing allowance payments SHALL NOT be included in the daily rate of pay calculation to the Chief of Police, nor shall any clothing allowance payment be included in the Chief of Police's pension calculation.

SECTION THREE: The Township will replace any clothing damaged in the course of performing the duties and responsibilities of the Chief of Police. The Township's obligation shall include all Township issued clothing (uniforms) and private clothing worn while performing assigned duties and responsibilities.

ARTICLE XVII

POLICE CHIEF'S VEHICLE AND OTHER TOWNSHIP EQUIPMENT

SECTION ONE: The Township agrees to supply the Chief of Police with a police equipped vehicle to be used for police work and for his personal use within the State *County* of New Jersey. The supplied vehicle shall be unmarked with confidential license plates.

SECTION TWO: Only law enforcement personnel may operate the vehicle assigned to the Chief of Police, with the consent and permission of the Chief of Police.

ARTICLE XIII

BENEFITS UPON DEATH

SECTION ONE: The Township shall pay to the Chief of Police's beneficiaries all benefits accrued by the Chief of Police up to the date of death, including accumulated leave time and severance pay at the Chief of Police's current rate as of his last day of work.

SECTION TWO: The death of the Chief of Police while in office shall be considered termination on the legal date of death and the Chief of Police shall be entitled to all described benefits as if he retired honorably from service.

ARTICLE XIX

PENSION

The Township shall continue to make contributions as heretofore provided to insure pension and retirement benefits to the Chief covered by this Agreement, under the Public and Fire Retirement System (PFRS) pursuant to the provisions of the Statutes and Laws of the State of New Jersey.

ARTICLE XX

DISCIPLINE

- A. Discipline may, but is not limited to including the following disciplinary actions:
Oral reprimand. Written reprimand. Suspension (minor) five (5) days or less.
Suspension (major) six (6) days or more. Demotion/Salary Reduction. Discharge.
- B. The Chief shall not be disciplined without just cause and due process.
- C. When the Township imposes discipline, written notice of such discipline shall be given to the Chief.

ARTICLE XXI

OTHER BENEFITS

The Chief of Police shall be entitled to all other benefits available to members of the Barnegat Township Superior Officers Association and PBA Local 296, which have not otherwise been enumerated or described herein.

ARTICLE XXIII

DURATION

This agreement shall be in effect the first day of May 2024 , to and including the last day of December 2029. In the event that a new written contract has not been entered into between the Employer and Chief of Police on or before the last day of December 2029, then all terms and conditions of this contract shall be in full force unless and until a new contract has been negotiated.

ARTICLE XXIII

SEVERANCE

Upon the retirement or other separation of Jason Carroll from his employment with the Township of Barnegat, Jason Carroll's total and complete severance compensation shall consist exclusively of the following:

A. At the time of retirement or other separation, Jason Carroll may sell any accrued unused sick leave back to the Township at his rate of pay as of the date of his or separation up to a maximum payment of \$15,000.00 for unused sick time. Any unused accumulated sick time exceeding \$15,000.00 shall be deemed to have no value, and no compensation shall be issued or due to Jason Carroll for any unused accumulated sick time which exceeds \$15,000.00 in value at the time of his retirement or separation from employment with the Township.

B. At the time of retirement or other separation, Jason Carroll shall be due to be compensated for any unused accumulated vacation time to be paid at Jason Carroll's rate of pay as of the date of his retirement or separation.

C. At the time of retirement or other separation, Jason Carroll shall be due to be compensated for any unused accumulated Compensatory Time to be paid at Jason Carroll's rate of pay as of the date of his retirement or separation.

D. At the time of retirement or other separation, Jason Carroll shall be due to be compensated in the amount equivalent to one full day's pay for each year of service completed with the Township of Barnegat.

E. The items listed in Paragraphs A through D under "Article XXIII - SEVERANCE" shall be paid over to Jason Carroll in five (5) equal installments on an annual basis beginning on the first March 1st following the retirement or other separation of Jason Carroll from his employment with the Township of Barnegat.

RESOLUTION 2024-207

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE OF NEW JERSEY, APPOINTING ROBERT BORRIS AS CONSTRUCTION OFFICIAL FOR THE CONSTRUCTION OFFICE EFFECTIVE MAY 1, 2024

WHEREAS, Robert Borris has been appointed as Acting Construction Official per Resolution 2024-184 due to the retirement of Construction Official, Louis Fischer as of May 1, 2024; and

WHEREAS, due to the qualifications of Robert Borris, the Township Committee is desirous to appoint Mr. Borris as the new Construction Official as of May 1, 2024

BE IT RESOLVED, by the Township Committee of the Township of Barnegat, County of Ocean, New Jersey hereby appoints Robert Borris as the Construction Official for the Construction Office as of May 1, 2024 with a 90 Probation period.

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 governing body at their meeting held on the 7th day of May, 2024, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-208

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY APPOINTING JESSE GERARD AS A FULL TIME SUB-CODE ELECTRICAL INSPECTOR FOR THE CONSTRUCTION OFFICE

WHEREAS, Jesse Gerard is currently an Electrical Inspector for the Construction Office; and

WHEREAS, the Township is in need of a Sub Code Electrical Inspector and Jesse Gerard has his Electrical Sub Code certifications necessary to perform the duties of Electrical Sub Code Inspector as well as his Mechanical certification; and

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Jesse Gerard is hereby appointed as a Full-time Sub-Code Electrical Inspector for the Construction Office; and

BE IT FURTHER RESOLVED that Jesse Gerard is appointed as of May 7, 2024 at an annual salary of \$91,500.00 for Sub-Code Electrical Inspector with a 90 day probation period.

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 on the 7th day of May, 2024, in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-209

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY APPOINTING PART TIME PLUMBING INSPECTOR, RICHARD BARLET TO PLUMBING SUB-CODE INSPECTOR FOR THE CONSTRUCTION OFFICE

WHEREAS, Richard Barlet has been hired by Barnegat Township as a part time Plumbing Inspector on Resolution 2024-82 as of February 1, 2024; and

WHEREAS, the Township is in need of a Plumbing Sub-Code Inspector and Richard Barlet has the qualifications for such; and

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Richard Barlet is hereby appointed as a Part-time Sub-Code Plumbing Inspector for the Construction Office; and

BE IT FURTHER RESOLVED that Richard Barlet is appointed as Plumbing Sub-Code Inspector as of May 7, 2024 at a rate of pay of \$45.00 per hour.

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 on the 7th day of May, 2024, in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-210

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ACCEPTING CHANGE ORDERS #58-59 FROM
FRANKOSKI CONSTRUCTION COMPANY
FOR THE NEW MUNICIPAL BUILDING**

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

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

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

WHEREAS, the Project Architect along with the Township Consultant has inspected and reviewed the documents submitted by the contractor and recommends acceptance of Change Order #58-59, totaling \$2,877.81 from Frankoski Construction Company as per explanation below;

Original Contract Amount:	\$ 12,964,000.00
Previously approved Change Orders: as of April 2024	\$ <u>706,268.17</u>
Contract amount as of April 2024:	\$ <u>13,670,268.17</u>

CHANGE ORDER #58: <i>Replace Door #181 and Hardware as directed</i>	\$ 1,818.62
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CHANGE ORDER #59: <i>Change 2nd floor Police Server room floor to VCT</i>	\$ 1,059.19
--	-------------

TOTAL AMOUNT OF CHANGE ORDER #58-59	\$ <u>2,877.81</u>
--	--------------------

New Contract Amount:	\$ <u>13,673,145.98</u>
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WHEREAS, the Chief Financial Officer (“CFO”) does hereby certify the availability of funds with respect to approving change orders #58-59 to Frankoski Construction Company, 314 Dodd Street, East Orange, NJ in the amount of \$2,877.81; and

Net Increase Percentage over original contract amount:	<u>5.47%</u>
--	--------------

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

C-04-55-963-904
Line Item(s)

Thomas Lombarski, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Barnegat that Change Order #58-59 in the amount of \$2,877.81 has been approved for the New Municipal Building.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular committee meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 7th day of May, 2024

Donna M. Manno, RMC
Municipal Clerk

CHANGE ORDER

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

Change Order # General 58
Initiation Date: 3/11/24
Architect's Ref: BMPC
Contract No.: 1
Contract Date: 12/15/20
Constr. Period: 660

Copies:
 copiesVar

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

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

REPLACE DOOR #181 AND ITS HARDWARE AS DIRECTED:

Pricing is in accordance with FCC's PCO #75, dated 02/29/24.

Add \$ 1,818.62

The original Contract Sum.....	\$	12,964,000.00
Net change by previously authorized Change Orders.....	\$	706,268.17
The Contract Sum prior to this Change Order was.....	\$	13,670,268.17
The Contract Sum will be changed by this Change Order.....	\$	1,818.62
The new Contract Sum including this Change Order will be.....	\$	13,672,086.79
The Contract Time will be changed by.....		0 days
The total change in the Date of Substantial Completion as of this C.O. is therefore.....		86.00 days

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

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

By:  Date: 03/11/24

By:  Date: 4/25/24

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

By:  Date: 3.14.24

CHANGE ORDER

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

Change Order # General 59
Initiation Date: 3/11/24
Architect's Ref: BMPC
Contract No.: 1
Contract Date: 12/15/20
Constr. Period: 660
Copies: copiesVar

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

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

CHANGE 2ND FLOOR POLICE SERVER ROOM FLOORING FROM CAPET TO VCT:

Pricing is in accordance with FCC's PCO #76, dated 03/11/24. (The flooring originally specified for that room is already on site, so it is too late to cancel it and get a credit.)

Add \$ 1,059.19

The original Contract Sum.....	\$	12,964,000.00
Net change by previously authorized Change Orders.....	\$	708,086.79
The Contract Sum prior to this Change Order was.....	\$	13,672,086.79
The Contract Sum will be changed by this Change Order.....	\$	1,059.19
The new Contract Sum including this Change Order will be.....	\$	13,673,145.98
The Contract Time will be changed by.....		0 days
The total change in the Date of Substantial Completion as of this C.O. is therefore.....		86.00 days

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

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

By:  Date: 03/11/24

By:  Date: 4/25/24

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

By:  Date: 3.14.24

RESOLUTION 2024-211

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING PROGRESS PAYMENT #35 TO FRANKOSKI CONSTRUCTION CO. FOR THE NEW MUNICIPAL BUILDING AND CHECK MADE PAYABLE TO TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

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

WHEREAS, Frankoski Construction Co., has submitted a request for Payment #35 in the amount of \$94,279.13; and

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

THEREFORE, BE IT RESOLVED, by the Township Committee of The Township of Barnegat, County of Ocean, State of New Jersey that Payment #35 in the amount of \$94,279.13 is hereby approved, the Chief Financial Officer is hereby authorized to issue a check in care of Frankoski Construction Co., 314 Dodd Street, East Orange, NJ in the amount of \$94,279.13 and the check to be made payable to Travelers Casualty and Surety Company of America representing Payment #35 for work completed on the New Municipal Building

Original Contract Sum:	\$ 12,964,000.00
<i>Net Change by Change Orders</i>	\$ 709,145.98
Contract Sum to date:	\$ 13,673,145.98
Total completed & stored to date:	\$ 11,680,992.36
Less Retainage of 2%:	\$ 233,619.85
Total earned less retainage:	\$ 11,447,372.51
Less previous payments:	\$ 11,353,093.38
Total Payment #35 Due: (Payable to Travelers)	\$ <u>94,279.13</u>
Balance to Finish including Retainage:	\$ 2,225,773.47

CERTIFICATION

I, Donna M. Manno, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular Committee meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 7th day of May, 2024

Donna M. Manno, RMC
Municipal Clerk

APPLICATION AND CERTIFICATION FOR PAYMENT

A/A DOCUMENT G702

TO OWNER:	Township of Barnegat 900 West Bay Avenue Barnegat, NJ 08005	PROJECT:	BMPC New Municipal Building 900 West Bay Avenue Barnegat, NJ 08005	APPLICATION NO:	35	Distribution to:	OWNER <input checked="" type="checkbox"/>
FROM CONTRACTOR:	Frankoski Construction Co. 314 Dodd Street East Orange, NJ 07017	VIA ARCHITECT:	The Goldstein Partnership 515 valley Street, Suite 110 Maplewood, NJ 07040	PERIOD TO:	March 31 2024	ARCHITECT:	ARCHITECT <input checked="" type="checkbox"/>
				CONTRACT DATE:	October 6, 2020	CONTRACTOR:	CONTRACTOR <input checked="" type="checkbox"/>
				PROJECT NOS:	BMPC	FIELD:	FIELD <input checked="" type="checkbox"/>
						OTHER:	OTHER <input type="checkbox"/>

CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM \$12,964,000.00
2. NET CHANGE BY CHANGE ORDERS \$709,145.98
3. CONTRACT SUM TO DATE (Line 1, 2) \$13,673,145.98
4. TOTAL COMPLETED AND STORED TO DATE (Column G on G7) \$11,680,992.36
5. RETAINAGE:
 - a. 2 % of Completed Work \$233,619.85
(Column D + E on G703)
 - b. 2 % of Stored Material \$0.00
(Column F on G703)
 Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$233,619.85
6. TOTAL EARNED LESS RETAINAGE \$11,447,372.51
(Line 4 minus Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$11,353,093.38
(Line 6 From prior Certificate)
1. CURRENT PAYMENT DUE \$94,279.13
9. BALANCE TO FINISH, INCLUDING RETAINAGE \$2,225,773.47
(Line 3 minus Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$862,050.29	(\$155,782.12)
Total approved this month	\$2,877.81	
TOTAL	\$864,928.10	(\$155,782.12)
NET CHANGES by Change Order		\$709,145.98

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

CONTRACTOR: _____
 By: [Signature]
 State of _____
 County of _____
 Subscribed and sworn to before me this _____ day of _____
 Notary Public: [Signature]
 My Commission expires: _____



ARCHITECTS CERTIFICATE FOR PAYMENT

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

AMOUNT CERTIFIED: \$94,279.13
 (Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm with the amount certified.)

ARCHITECT: [Signature]
 By: _____
 Date: 4/29/2024
 This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

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CONTINUATION SHEET

AIA DOCUMENT G703

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APPLICATION NO: 35
 APPLICATION DATE: 4.15.24
 PERIOD TO: 3.31.24
 ARCHITECT'S PROJECT NO: BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	G±C % (G±C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
DIVISION 1 - GENERAL CONDITIONS									
1	GC Management	\$440,100.00	375,100.00			375,100.00	85.2%	\$65,000.00	\$7,502.00
2	Insurance	\$86,525.00	76,500.00			76,500.00	88.4%	\$10,025.00	\$1,530.00
3	Bond Fee	\$138,710.00	138,710.00			138,710.00	100.0%	\$0.00	\$2,774.20
4	Mobilization	\$40,000.00	40,000.00			40,000.00	100.0%	\$0.00	\$800.00
5	Demobilization	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
6	Miscellaneous Trade Cost and Site Logistics	\$175,600.00	160,000.00			160,000.00	91.1%	\$15,600.00	\$3,200.00
7	General Labor and Cleanup	\$99,962.00	89,650.00			89,650.00	89.7%	\$10,312.00	\$1,795.00
8	Temp Fence, Dump, Rentals, Trailers, Portaloah	\$81,780.00	73,550.00			73,550.00	89.9%	\$8,230.00	\$1,471.00
9	Winter Protection	\$10,000.00	9,000.00			9,000.00	90.0%	\$1,000.00	\$180.00
10	Procure	\$9,000.00	8,200.00			8,200.00	91.1%	\$800.00	\$164.00
11	Testing	\$12,000.00	11,000.00			11,000.00	91.7%	\$1,000.00	\$220.00
12	GC Overhead and Profit	\$214,350.00	188,250.00			188,250.00	87.8%	\$26,100.00	\$3,765.00
13	Asbestos Abatement / Plan	\$37,590.00	3,750.00			3,750.00	10.0%	\$33,840.00	\$75.00
14	Subgrade R/R 1200 CY Allowance	\$84,000.00	59,003.00			59,003.00	70.2%	\$24,997.00	\$1,180.06
15	CM Allowance	\$220,000.00	220,000.00			220,000.00	100.0%	\$0.00	\$4,400.00
DIVISION 2 - SITEWORK									
16	Sitework General Conditions	\$19,100.00	14,325.00			14,325.00	75.0%	\$4,775.00	\$286.50
17	Sitework Mobilization	\$24,000.00	3,200.00			3,200.00	13.3%	\$20,800.00	\$64.00
18	Sitework Layout	\$21,000.00	13,800.00			13,800.00	65.7%	\$7,200.00	\$276.00
19	Soil Erosion and Sediment Controls	\$17,700.00	11,500.00			11,500.00	65.0%	\$6,200.00	\$230.00
20	Clear Site/Demolition	\$101,000.00	33,330.00			33,330.00	33.0%	\$67,670.00	\$666.60
21	Excavation and Grading	\$188,250.00	100,125.00			100,125.00	53.2%	\$88,125.00	\$2,002.50
22	Sanitary Sewer System	\$13,000.00	11,700.00			11,700.00	90.0%	\$1,300.00	\$234.00
23	Storm Drainage System / Under Drain System	\$293,000.00	234,450.00			234,450.00	80.0%	\$58,550.00	\$4,689.00
24	Water Services	\$27,500.00	27,500.00			27,500.00	100.0%	\$0.00	\$550.00
25	Concrete Curbs	\$171,000.00	42,750.00			42,750.00	25.0%	\$128,250.00	\$855.00
26	Walks	\$67,000.00	26,800.00			26,800.00	40.0%	\$40,200.00	\$356.00
27	Pavers	\$49,000.00	0.00			0.00		\$49,000.00	\$0.00
28	Site Lighting Conduit (Excavation Only)	\$20,000.00	9,000.00			9,000.00	45.0%	\$11,000.00	\$180.00
29	Site Lighting Foundations	\$27,000.00	0.00			0.00		\$27,000.00	\$0.00
30	Basement Excavation and Backfill	\$103,000.00	103,000.00			103,000.00	100.0%	\$0.00	\$2,060.00
31	Irrigation System	\$32,000.00	0.00			0.00		\$32,000.00	\$0.00
32	DGABC Subbase	\$127,000.00	38,100.00			38,100.00	30.0%	\$88,900.00	\$762.00
33	Bituminous Base Course	\$207,000.00	62,100.00			62,100.00	30.0%	\$144,900.00	\$1,242.00
34	Permanant Fencing	\$51,000.00	0.00			0.00		\$51,000.00	\$0.00
35	Topsoiling	\$14,000.00	2,800.00			2,800.00	20.0%	\$11,200.00	\$56.00
36	Fert & Seed	\$3,700.00	0.00			0.00		\$3,700.00	\$0.00
37	Landscape Plants	\$32,000.00	0.00			0.00		\$32,000.00	\$0.00
38	Traffic Control	\$6,800.00	3,400.00			3,400.00	50.0%	\$3,400.00	\$68.00
39	Demolition of Building	\$80,000.00	0.00			0.00		\$80,000.00	\$0.00

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APPLICATION NO:	35
APPLICATION DATE:	4.15.24
PERIOD TO:	3.31.24
ARCHITECT'S PROJECT NO:	BMPG

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

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APPLICATION NO: 35
 APPLICATION DATE: 4.15.24
 PERIOD TO: 3.31.24
 ARCHITECT'S PROJECT NO: BMPC

ITEM NO	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G+C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
79	Mobilization	\$2,500.00	2,500.00			2,500.00	100.0%		\$50.00
80	8 inch and 4 inch exterior backup block material	\$7,000.00	7,000.00			7,000.00	100.0%		\$140.00
81	8 inch and 4 inch exterior backup block labor	\$35,000.00	35,000.00			35,000.00	100.0%		\$700.00
82	8 inch interior block partition material	\$13,000.00	13,000.00			13,000.00	100.0%		\$260.00
83	8 inch interior block partition labor	\$65,000.00	65,000.00			65,000.00	100.0%		\$1,300.00
84	Masonry veneer material	\$63,000.00	63,000.00			63,000.00	100.0%		\$1,260.00
85	Masonry material / veneer labor mock up	\$118,000.00	118,000.00			118,000.00	100.0%		\$2,360.00
86	Grow and rebar material and labor	\$24,000.00	24,000.00			24,000.00	100.0%		\$480.00
87	Cast stone material	\$37,000.00	37,000.00			37,000.00	100.0%		\$740.00
88	Cast stone labor	\$30,000.00	29,250.00			29,250.00	97.5%	\$750.00	\$385.00
89	2 inch rigid insulation material and labor	\$18,000.00	18,000.00			18,000.00	100.0%		\$360.00
90	Scaffold labor and material	\$16,000.00	16,000.00			16,000.00	100.0%		\$320.00
91	Fishing weeps control joints reinforcing wire	\$8,500.00	8,500.00			8,500.00	100.0%		\$170.00
92	Machine equipment fuel	\$12,000.00	12,000.00			12,000.00	100.0%		\$240.00
93	Daily cleanup labor	\$8,000.00	7,800.00			7,800.00	97.5%	\$200.00	\$156.00
94	Washdown of new masonry	\$22,000.00	20,000.00			20,000.00	90.9%	\$2,000.00	\$400.00
95	Dumpster enclosure foundation labor and material	\$2,500.00	2,500.00			2,500.00	100.0%		\$50.00
96	Dumpster enclosure split face labor and material	\$8,000.00	4,000.00			4,000.00	50.0%	\$4,000.00	\$80.00
97	Grow and rebar at dumpster enclosure labor and material	\$2,000.00	1,000.00			1,000.00	50.0%	\$1,000.00	\$20.00
DIVISION 5 - STRUCTURAL & MISC. METALS									
98	Shop Drawings/Engineering	\$39,000.00	39,000.00			39,000.00	100.0%		\$780.00
99	Anchor Bolts	\$6,400.00	6,400.00			6,400.00	100.0%		\$128.00
100	Material/Fabrication	\$460,340.00	460,340.00			460,340.00	100.0%		\$9,206.80
101	Metal Floor Deck Material	\$40,000.00	40,000.00			40,000.00	100.0%		\$800.00
102	Metal Roof Deck Material	\$32,000.00	32,000.00			32,000.00	100.0%		\$640.00
103	Erection	\$320,000.00	320,000.00			320,000.00	100.0%		\$6,400.00
104	Steel Stairs	\$69,035.00	69,035.00			69,035.00	100.0%		\$6,400.00
105	Steel Railings	\$23,000.00	21,000.00			21,000.00	91.3%	\$2,000.00	\$1,380.70
106	Attium Railings and Infill Panels	\$49,650.00	37,650.00			37,650.00	75.8%	\$12,000.00	\$753.00
107	Misc. Steel and Accessories	\$15,000.00	13,875.00			13,875.00	92.5%	\$1,125.00	\$277.50
DIVISION 5E - COLD-FORMED METAL FRAMING									
108	Engineering/shop drawings	\$7,000.00	7,000.00			7,000.00	100.0%		\$140.00
109	Layout	\$28,000.00	28,000.00			28,000.00	100.0%		\$560.00
110	Exterior Framing Material	\$88,000.00	88,000.00			88,000.00	100.0%		\$1,760.00
111	Exterior Framing Labor	\$141,500.00	141,500.00			141,500.00	100.0%		\$2,830.00
112	Interior Framing Material	\$66,000.00	66,000.00			66,000.00	100.0%		\$1,320.00
113	Interior Framing Labor	\$152,000.00	152,000.00			152,000.00	100.0%		\$3,040.00
DIVISION 6A - ROUGH & FINISH CARPENTRY									
114	Submittals	\$3,000.00	3,000.00			3,000.00	100.0%		\$60.00
115	Exterior Sheathing Material	\$16,000.00	16,000.00			16,000.00	100.0%		\$320.00
116	Exterior Sheathing Labor	\$30,000.00	30,000.00			30,000.00	100.0%		\$600.00

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APPLICATION NO: 35
 APPLICATION DATE: 4.15.24
 PERIOD TO: 3.31.24
 ARCHITECT'S PROJECT NO: BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G÷C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)							
117	Rough Carpentry Dimensional Lumber Material	\$37,000.00	37,000.00				37,000.00	100.0%		\$740.00
118	Rough Carpentry Plywood Material	\$24,000.00	24,000.00				24,000.00	100.0%		\$480.00
119	Rough Carpentry Labor	\$111,000.00	111,000.00				111,000.00	100.0%		\$2,220.00
120	Millwork Shop Drawings	\$12,000.00	12,000.00				12,000.00	100.0%		\$240.00
121	Millwork Info Desk Material	\$25,000.00	25,000.00				25,000.00	100.0%		\$500.00
122	Millwork Wall Panel Material	\$35,000.00	35,000.00				35,000.00	100.0%		\$700.00
123	Millwork Judges Bench Material	\$42,000.00	42,000.00				42,000.00	100.0%		\$840.00
124	Millwork Vanities Material	\$15,000.00	15,000.00				15,000.00	100.0%		\$300.00
125	Millwork Counters Material	\$23,000.00	23,000.00				23,000.00	100.0%		\$460.00
126	Millwork Casework Material	\$11,000.00	11,000.00				11,000.00	100.0%		\$220.00
127	Millwork Labor	\$62,000.00	58,900.00				58,900.00	95.0%	\$3,100.00	\$1,178.00
DIVISION 6B - COURT ROOM FURNITURE										
128	Pews Submittals	\$1,125.00	1,125.00				1,125.00	100.0%		\$22.50
129	Pews Material	\$15,000.00	0.00				0.00		\$15,000.00	\$0.00
130	Pews Labor	\$6,154.00	0.00				0.00		\$6,154.00	\$0.00
DIVISION 7A - WATERPROOFING										
131	Waterproofing Submittals	\$2,500.00	2,500.00				2,500.00	100.0%		\$50.00
132	Waterproofing Material	\$38,375.00	38,375.00				38,375.00	100.0%		\$767.50
133	Waterproofing Labor	\$64,125.00	64,125.00				64,125.00	100.0%		\$1,282.50
DIVISION 7B - MEMBRANE ROOFING										
134	Membrane Roof Submittals	\$2,500.00	2,500.00				2,500.00	100.0%		\$50.00
135	Membrane Roof Material	\$14,350.00	14,350.00				14,350.00	100.0%		\$287.00
136	Membrane Roof Labor	\$43,400.00	43,400.00				43,400.00	100.0%		\$868.00
137	Insulation Material	\$6,150.00	6,150.00				6,150.00	100.0%		\$123.00
138	Insulation Labor	\$18,600.00	18,600.00				18,600.00	100.0%		\$372.00
DIVISION 7D - METAL ROOFING										
139	Metal Roofing Submittals	\$5,000.00	5,000.00				5,000.00	100.0%		\$100.00
140	Metal Roofing Material	\$99,400.00	99,400.00				99,400.00	100.0%		\$1,988.00
141	Metal Roofing Labor / Under Layment	\$172,925.00	172,925.00				172,925.00	100.0%		\$3,458.50
142	Insulation Material	\$42,600.00	42,600.00				42,600.00	100.0%		\$852.00
143	Insulation Labor	\$74,100.00	74,100.00				74,100.00	100.0%		\$1,482.00
DIVISION 7E - SPRAY FOAM INSULATION										
144	Spray Foam Insulation Submittals	\$1,125.00	1,125.00				1,125.00	100.0%		\$22.50
145	Spray Foam Insulation Material	\$8,000.00	8,000.00				8,000.00	100.0%		\$160.00
146	Spray Foam Insulation Labor	\$20,000.00	20,000.00				20,000.00	100.0%		\$400.00
DIVISION 7F - INTUMESCENT FIREPROOFING										
147	Fireproofing Submittals	\$1,125.00	1,125.00				1,125.00	100.0%		\$22.50
148	Fireproofing Material	\$780.00	780.00				780.00	100.0%		\$15.60
149	Fireproofing Labor	\$4,850.00	4,850.00				4,850.00	100.0%		\$97.00
DIVISION 8 - DOORS, WINDOWS, & GLASS										
150	Aluminum and Glass Submittals	\$10,000.00	10,000.00				10,000.00	100.0%		\$200.00

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			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
151	Aluminum and Glass Material	\$247,000.00	245,000.00			245,000.00	99.2%	\$2,000.00	\$4,900.00
152	Transaction Windows	\$28,000.00	25,000.00			25,000.00	89.3%	\$3,000.00	\$500.00
153	Aluminum and Glass Labor	\$115,000.00	111,545.00			111,545.00	97.0%	\$3,455.00	\$2,309.90
DIVISION 8C - HOLLOW METAL WORK									
154	Door and Hardware Submittals	\$6,000.00	6,000.00			6,000.00	100.0%		\$120.00
155	H/M Doors and Frames Material	\$60,500.00	60,500.00			60,500.00	100.0%		\$1,210.00
156	Door Frames Labor	\$16,000.00	16,000.00			16,000.00	100.0%		\$320.00
DIVISION 8D - WOOD DOORS									
157	Wood Doors Material	\$17,250.00	0.00			0.00		\$17,250.00	\$0.00
158	Doors Labor	\$48,000.00	47,040.00			47,040.00	98.0%	\$960.00	\$940.80
DIVISION 9A - DRYWALL									
159	Drywall Material	\$112,000.00	112,000.00			112,000.00	100.0%		\$2,240.00
160	Drywall Labor	\$252,000.00	250,000.00			250,000.00	99.2%	\$2,000.00	\$5,000.00
161	Insulation Material	\$19,000.00	19,000.00			19,000.00	100.0%		\$380.00
162	Insulation Labor	\$38,000.00	38,000.00			38,000.00	100.0%		\$760.00
163	Tape & Spackle	\$66,000.00	65,000.00			65,000.00	98.5%	\$1,000.00	\$1,300.00
DIVISION 9B - ACOUSTIC TREATMENT									
164	Ceiling Grid Material	\$24,500.00	24,500.00			24,500.00	100.0%		\$490.00
165	Ceiling Grid Labor	\$43,000.00	43,000.00			43,000.00	100.0%		\$860.00
166	Ceiling Tile Material	\$28,000.00	28,000.00			28,000.00	100.0%		\$560.00
167	Ceiling Tile Labor	\$15,000.00	15,000.00			15,000.00	100.0%		\$300.00
168	Acoustical Wall Panels Labor	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
169	Acoustical Wall Panels Material	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
DIVISION 9C - PAINTING & FINISHING									
170	Paint Submittals	\$1,125.00	1,125.00			1,125.00	100.0%		\$22.50
171	Painting Material	\$16,500.00	16,500.00			16,500.00	100.0%		\$330.00
172	Painting Labor	\$74,109.00	63,000.00	7,403.55		70,403.55	95.0%	\$3,705.45	\$1,408.07
173	GFRG Material	\$7,000.00	7,000.00			7,000.00	100.0%		\$140.00
174	GFRG Labor	\$7,000.00	4,000.00			4,000.00	57.1%	\$3,000.00	\$80.00
DIVISION 9D - CERAMIC TILE									
175	Tile Submittals	\$1,125.00	1,125.00			1,125.00	100.0%		\$22.50
176	Tile Material	\$19,500.00	19,500.00			19,500.00	100.0%		\$390.00
177	Tile Labor	\$38,375.00	38,375.00			38,375.00	100.0%		\$767.50
DIVISION 9E - CARPET & RESILIENT FLOORING									
178	Carpet- Materials / Submittals	\$25,000.00	2,500.00	22,500.00		25,000.00	100.0%		\$500.00
179	Carpet Labor	\$10,000.00	0.00	7,500.00		7,500.00	75.0%	\$2,500.00	\$150.00
180	LVT Materials	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
181	LVT Labor	\$3,000.00	0.00			0.00		\$3,000.00	\$0.00
182	VCT Materials	\$7,500.00	7,500.00			7,500.00	100.0%		\$150.00
183	VCT Labor	\$7,500.00	7,500.00			7,500.00	100.0%		\$150.00
184	Interlocking Tiles Material	\$35,000.00	0.00			0.00		\$35,000.00	\$0.00

APPLICATION NO: 35
 APPLICATION DATE: 4.15.24
 PERIOD TO: 3.31.24
 ARCHITECT'S PROJECT NO: BWP/C

CONTINUATION SHEET

AIA DOCUMENT G703

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APPLICATION NO: 35
 APPLICATION DATE: 4.15.24
 PERIOD TO: 3.31.24
 ARCHITECT'S PROJECT NO: BMP/C

ITEM NO	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G-C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
185	Interlocking Tiles Labor	\$1,000.00	0.00			0.00		\$0.00	
186	Rubber Treads/Tile Material	\$7,500.00	0.00	7,500.00		7,500.00	100.0%	\$150.00	
187	Rubber Treads/Tile Labor	\$7,000.00	0.00			0.00		\$0.00	
188	Misc. Flooring Material	\$10,000.00	10,000.00			10,000.00	100.0%	\$200.00	
189	Misc. Flooring Labor	\$3,500.00	3,500.00			3,500.00	100.0%	\$70.00	
DIVISION 9F - MONOLITHIC FLOORING									
190	Epoxy Flooring Submittals	\$1,125.00	1,000.00			1,000.00	88.9%	\$125.00	\$20.00
191	Epoxy Flooring Material	\$6,542.00	6,542.00			6,542.00	100.0%	\$130.84	\$130.84
192	Epoxy Flooring Labor	\$6,543.00	4,710.96			4,710.96	72.0%	\$1,832.04	\$94.22
DIVISION 10 - SPECIALTIES									
193	Signage Submittals	\$1,125.00	850.00			850.00	75.6%	\$275.00	\$17.00
194	Signage Material	\$12,750.00	938.00			938.00	7.4%	\$11,812.00	\$18.76
195	Signage Labor	\$9,343.00	0.00			0.00		\$9,343.00	\$0.00
DIVISION 10A - FINISHING HARDWARE									
196	Door Hardware Material	\$94,999.00	94,999.00			94,999.00	100.0%		\$1,899.98
DIVISION 10B - TOILET ROOM ACCESSORIES									
197	Bathroom Accessories Material	\$10,420.00	10,420.00			10,420.00	100.0%		\$208.40
198	Bathroom Accessories Labor	\$7,000.00	7,000.00			7,000.00	100.0%		\$140.00
DIVISION 10C - PLASTIC TOILET PARTITIONS									
199	Bathroom Partitions Material	\$3,900.00	3,900.00			3,900.00	100.0%		\$78.00
200	Bathroom Partitions Labor	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
DIVISION 10D - METAL SPECIALTIES									
201	Lockers (Personal) Material / Shop Drawings	\$69,440.00	69,440.00			69,440.00	100.0%		\$1,388.80
202	Lockers (Personal) Labor	\$20,000.00	20,000.00			20,000.00	100.0%		\$400.00
203	Evidence Lockers	\$18,942.00	18,942.00			18,942.00	100.0%		\$378.84
204	Markerboards	\$12,490.00	12,490.00			12,490.00	100.0%		\$249.80
205	Contingents	\$2,775.00	0.00			0.00		\$2,775.00	\$0.00
206	Wire Security Partitions	\$4,877.00	4,877.00			4,877.00	100.0%		\$97.54
207	Curved Exterior Seating Material	\$16,470.00	0.00			0.00		\$16,470.00	\$0.00
208	Curved Exterior Seating Labor	\$4,000.00	0.00			0.00		\$4,000.00	\$0.00
209	Fingerprint Station	\$300.00	0.00			0.00		\$300.00	\$0.00
210	Intercom Mounting Pedestals w/Enclosure	\$200.00	0.00			0.00		\$200.00	\$0.00
211	Key Cabinets	\$1,540.00	0.00			0.00		\$1,540.00	\$0.00
212	Night Depository Unit	\$2,510.00	0.00			0.00		\$2,510.00	\$0.00
213	Fire Extinguisher Cabinets	\$2,125.00	2,125.00			2,125.00	100.0%		\$42.50
DIVISION 10E - INSULATED ROLLING DOORS									
214	Overhead Door Submittals	\$1,125.00	1,125.00			1,125.00	100.0%		\$22.50
215	Overhead Door Material	\$20,000.00	15,500.00			15,500.00	77.5%	\$4,500.00	\$310.00
216	Overhead Door Labor	\$10,849.00	6,000.00			6,000.00	55.3%	\$4,849.00	\$120.00
DIVISION 10F - ACCESS FLOOR SYSTEM									
217	Access Floor Submittals	\$1,125.00	1,125.00			1,125.00	100.0%		\$22.50

CONTINUATION SHEET

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APPLICATION NO: 35
 APPLICATION DATE: 4.15.24
 PERIOD TO: 3.31.24
 ARCHITECT'S PROJECT NO: BMFC

A ITEM NO	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	G+C %	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)							
218	Access Floors Material	\$6,188.00		6,188.00			6,188.00	100.0%		\$123.76
219	Access Floors Labor	\$6,187.00		6,187.00			6,187.00	100.0%		\$123.74
DIVISION 11A - DETENTION EQUIPMENT										
220	Detention/Police Equipment Submittals	\$1,700.00		1,700.00			1,700.00	100.0%		\$34.00
221	Detention/Police Equipment Doors and Frames	\$58,200.00		58,200.00			58,200.00	100.0%		\$1,164.00
222	Detention/Police Equipment Hardware	\$48,600.00		46,412.00			46,412.00	95.5%	\$2,188.00	\$928.24
223	Detention/Police Equipment Clearing Trap	\$1,900.00		1,900.00			1,900.00	100.0%		\$38.00
224	Detention/Police Equipment Pistol Lockers	\$3,400.00		3,400.00			3,400.00	100.0%		\$68.00
225	Detention/Police Equipment Benches	\$3,800.00		2,700.00			2,700.00	71.1%	\$1,100.00	\$54.00
DIVISION 14A - LULA Elevator										
226	Elevator Shops	\$3,500.00		3,500.00			3,500.00	100.0%		\$70.00
227	Elevator Material / Release to Production	\$30,000.00		30,000.00			30,000.00	100.0%		\$600.00
228	Elevator Labor	\$28,700.00		19,370.00			19,370.00	67.5%	\$9,330.00	\$387.40
DIVISION 15 - MECHANICAL										
229	Equipment Shops	\$2,000.00		2,000.00			2,000.00	100.0%		\$40.00
230	Sheet Metal Shops	\$10,000.00		10,000.00			10,000.00	100.0%		\$200.00
231	ATC Shops	\$5,000.00		5,000.00			5,000.00	100.0%		\$100.00
232	Mobilization	\$6,000.00		6,000.00			6,000.00	100.0%		\$120.00
233	RTUs Material	\$40,000.00		40,000.00			40,000.00	100.0%		\$800.00
234	RTUs Labor	\$2,000.00		2,000.00			2,000.00	100.0%		\$40.00
235	VRF Casette / EUR Units Material	\$190,000.00		190,000.00			190,000.00	100.0%		\$3,800.00
236	VRF Casette / EUR Units Labor	\$32,500.00		32,500.00			32,500.00	100.0%		\$650.00
237	Condensing Units	\$23,000.00		23,000.00			23,000.00	100.0%		\$460.00
238	Electric Heat	\$5,000.00		5,000.00			5,000.00	100.0%		\$100.00
239	Duct Heaters	\$4,000.00		4,000.00			4,000.00	100.0%		\$80.00
240	Exhaust Fans	\$4,000.00		4,000.00			4,000.00	100.0%		\$80.00
241	Pipe Dampers	\$5,000.00		5,000.00			5,000.00	100.0%		\$100.00
242	ACR Piping Material	\$20,000.00		20,000.00			20,000.00	100.0%		\$400.00
243	ACRP Piping Labor	\$80,000.00		80,000.00			80,000.00	100.0%		\$1,600.00
244	Condensate Piping	\$12,000.00		12,000.00			12,000.00	100.0%		\$240.00
245	Sheet Metal Shop Material /Labor	\$130,000.00		130,000.00			130,000.00	100.0%		\$2,600.00
246	Sheet Metal Field Labor	\$422,000.00		422,000.00			422,000.00	100.0%		\$8,440.00
247	Insulation	\$50,000.00		50,000.00			50,000.00	100.0%		\$1,000.00
248	Crane/Lift	\$15,000.00		15,000.00			15,000.00	100.0%		\$300.00
249	ATC Rough	\$80,000.00		80,000.00			80,000.00	100.0%		\$3,000.00
250	ATC Finish	\$10,000.00		7,000.00			7,000.00	70.0%	\$3,000.00	\$140.00
251	ATC Programming and Graphics	\$5,000.00		2,500.00			2,500.00	50.0%	\$2,500.00	\$50.00
252	Air Devices	\$12,000.00		12,000.00			12,000.00	100.0%		\$240.00
253	CO Panel	\$2,500.00		2,000.00			2,000.00	80.0%	\$500.00	\$40.00
254	Startup/Warranty	\$14,000.00		0.00			0.00		\$14,000.00	\$0.00
255	Balanceing	\$5,000.00		0.00			0.00		\$5,000.00	\$0.00

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APPLICATION NO: 35
 APPLICATION DATE: 4.15.24
 PERIOD TO: 3.31.24
 ARCHITECT'S PROJECT NO: BMPC

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G÷C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
A	B	C	D	E	F	G	H	I	
256	O&M and Closeout Documents	\$3,000.00	0.00			0.00		\$3,000.00	\$0.00
257	Punch List	\$3,000.00	0.00			0.00		\$3,000.00	\$0.00
DIVISION 15 - PLUMBING									
258	Submittals and Mobilization	\$6,000.00	6,000.00			6,000.00	100.0%		\$120.00
259	UG DWV Piping Material Basement	\$32,000.00	32,000.00			32,000.00	100.0%		\$640.00
260	UG DWV Piping Labor Basement	\$14,000.00	14,000.00			14,000.00	100.0%		\$280.00
261	AG DWV Piping Material	\$18,000.00	18,000.00			18,000.00	100.0%		\$360.00
262	AG DWV Piping Labor	\$60,000.00	60,000.00			60,000.00	100.0%		\$1,200.00
263	AG Dom. Water piping Material	\$16,000.00	16,000.00			16,000.00	100.0%		\$320.00
264	AG Dom. Water piping Labor	\$42,000.00	42,000.00			42,000.00	100.0%		\$840.00
265	Natural Gas Piping Material	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00
266	Natural Gas Piping Labor	\$10,000.00	10,000.00			10,000.00	100.0%		\$200.00
267	Storm Drain Material	\$14,000.00	14,000.00			14,000.00	100.0%		\$280.00
268	Storm Drain Labor	\$20,000.00	20,000.00			20,000.00	100.0%		\$400.00
269	Fixtures and Specialties	\$95,000.00	95,000.00			95,000.00	100.0%		\$1,900.00
270	Fixture Labor	\$42,000.00	32,000.00			32,000.00	76.2%	\$10,000.00	\$640.00
DIVISION 15 - SPRINKLER SYSTEM (15526)									
271	Mobilization	\$1,000.00	1,000.00			1,000.00	100.0%		\$20.00
272	Engineer Stamp	\$2,000.00	2,000.00			2,000.00	100.0%		\$40.00
273	Design	\$20,000.00	20,000.00			20,000.00	100.0%		\$400.00
274	Valve Room Material	\$7,000.00	7,000.00			7,000.00	100.0%		\$140.00
275	Valve Room Labor	\$12,000.00	12,000.00			12,000.00	100.0%		\$240.00
276	Rough in Material	\$30,000.00	30,000.00			30,000.00	100.0%		\$600.00
277	Rough in Labor	\$81,000.00	81,000.00			81,000.00	100.0%		\$1,620.00
278	Plates	\$1,000.00	0.00			0.00		\$1,000.00	\$0.00
279	Testing	\$2,000.00	2,000.00			2,000.00	100.0%		\$40.00
280	Demobilization	\$1,000.00	0.00			0.00		\$1,000.00	\$0.00
281	Closeout	\$1,000.00	0.00			0.00		\$1,000.00	\$0.00
282	Punch List	\$1,500.00	0.00			0.00		\$1,500.00	\$0.00
DIVISION 16/17 - ELECTRICAL/TECH. SYSTEMS									
283	Mobilization	\$25,000.00	25,000.00			25,000.00	100.0%		\$500.00
284	Submittals	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00
285	Temp Electric for Office Trailer L/M	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00
286	Temp Electric power and lights for new building L/M	\$6,000.00	6,000.00			6,000.00	100.0%		\$120.00
287	Rough-in site electric serv high volt, telecom, cond Lab	\$33,000.00	33,000.00			33,000.00	100.0%		\$660.00
288	Rough-in site electric serv high volt, telecom, cond Mat	\$28,000.00	28,000.00			28,000.00	100.0%		\$560.00
289	Rough in all panels, transformer Labor	\$32,000.00	32,000.00			32,000.00	100.0%		\$640.00
290	Rough in all panels, transformer Material	\$20,000.00	20,000.00			20,000.00	100.0%		\$400.00
291	Finish all panels, transformers Labor	\$30,000.00	30,000.00			30,000.00	100.0%		\$600.00
292	Finish all panels, transformers Material	\$70,000.00	70,000.00			70,000.00	100.0%		\$1,400.00
293	Rough in Generator Labor	\$13,000.00	13,000.00			13,000.00	100.0%		\$260.00

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APPLICATION NO: 35
 APPLICATION DATE: 4.15.24
 PERIOD TO: 3.31.24
 ARCHITECT'S PROJECT NO: BMPC

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G+C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
294	Rough in Generator Material	\$9,000.00	9,000.00			9,000.00	100.0%		\$180.00
295	Finish work for generator Labor	\$18,000.00	18,000.00			18,000.00	100.0%		\$360.00
296	Finish work for generator Material	\$60,000.00	60,000.00			60,000.00	100.0%		\$1,200.00
297	Rough-in all power and lighting labor	\$180,000.00	180,000.00			180,000.00	100.0%		\$3,600.00
298	Rough-in all power and lighting materials	\$110,000.00	110,000.00			110,000.00	100.0%		\$2,200.00
299	Finish all power and lighting Labor	\$190,000.00	188,100.00	1,900.00		190,000.00	100.0%		\$3,800.00
300	Finish all power and lighting Material	\$264,000.00	264,000.00			264,000.00	100.0%		\$5,280.00
301	Rough in the installation of the FA System Labor	\$14,000.00	14,000.00			14,000.00	100.0%		\$280.00
302	Rough in the installation of the FA System Material	\$9,000.00	9,000.00			9,000.00	100.0%		\$180.00
303	Finish work FA Labor	\$13,000.00	13,000.00			13,000.00	100.0%		\$260.00
304	Finish work FA Material	\$13,000.00	13,000.00			13,000.00	100.0%		\$260.00
305	Rough in lighting protection system L&M	\$10,000.00	10,000.00			10,000.00	100.0%		\$200.00
306	Finish for Lighting protection system L&M	\$8,000.00	8,000.00			8,000.00	100.0%		\$160.00
307	Rough In Teledata Labor	\$14,000.00	14,000.00			14,000.00	100.0%		\$280.00
308	Rough In Teledata Material	\$9,000.00	9,000.00			9,000.00	100.0%		\$180.00
309	Finish for teledata labor	\$38,000.00	30,700.00	9,000.00		30,700.00	80.8%	\$7,300.00	\$614.00
310	Finish for teledata Material	\$49,000.00	39,850.00	9,000.00		39,850.00	81.3%	\$9,150.00	\$797.00
311	General demo for all electric labor	\$10,000.00	0.00			0.00	100.0%	\$10,000.00	\$0.00
312	Install cable trays labor and material	\$14,000.00	14,000.00			14,000.00	100.0%		\$280.00
313	Rough in AV system labor	\$10,000.00	10,000.00			10,000.00	100.0%		\$200.00
314	Rough in AV system material	\$8,000.00	8,000.00			8,000.00	100.0%		\$160.00
315	Finish work AV labor	\$40,000.00	18,000.00			26,000.00	65.0%	\$14,000.00	\$520.00
316	Finish work AV material	\$65,000.00	56,091.00			65,000.00	100.0%		\$1,300.00
317	Rough for CCTV, Access Control, Booster System Lab	\$18,500.00	18,500.00			18,500.00	100.0%		\$370.00
318	Rough for CCTV, Access Control, Booster System Mat	\$8,000.00	8,000.00			8,000.00	100.0%		\$160.00
319	Finish for CCTV, Access Control, Booster System Lab	\$24,000.00	21,200.00			21,200.00	88.3%	\$2,800.00	\$424.00
320	Finish for CCTV, Access Control, Booster System Mat	\$125,000.00	125,000.00			125,000.00	100.0%		\$2,500.00
321	Rough in parking lot poles and lights labor	\$14,000.00	9,100.00			9,100.00	65.0%	\$4,900.00	\$182.00
322	Rough in parking lot poles and lights material	\$7,000.00	4,550.00			4,550.00	65.0%	\$2,450.00	\$91.00
323	Finish work for the parking lot poles and lights labor	\$10,000.00	6,500.00			6,500.00	65.0%	\$3,500.00	\$130.00
324	Finish work for the parking lot poles and lights material	\$17,000.00	16,050.00			16,050.00	94.4%	\$950.00	\$321.00
325	As Built	\$4,500.00	0.00			0.00		\$4,500.00	\$0.00
326	Closeout	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
327	Punch List	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
			11,064,368.96	63,712.55	0.00	11,128,081.51	85.8%	\$1,835,918.49	\$0.00
CHANGE ORDERS									
328	BMPC CO #01 Credit for Substantial Exchange	(13,200.00)	(13,200.00)			(13,200.00)	100.0%		(\$264.00)
329	BMPC CO #02 Temporary Storm Water Control	12,579.80	12,579.80			12,579.80	100.0%		\$251.60
330	BMPC CO #03 Revised E-Drawings	2,532.00	2,532.00			2,532.00	100.0%		\$50.64

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document, G702™ – 1992, Application and Certification for Payment, or G732™ – 2009, Project Application and Project Certification for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.
 In tabulations below, amounts are in US dollars.
 Use Column I on Contracts where variable retainage for line item may apply.

APPLICATION NO: 35
 APPLICATION DATE: 4.15.24
 PERIOD TO: 3.31.24
 ARCHITECT'S PROJECT NO: BMPC

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G±C)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)							
331	BMPC CO #04 Modify Sitemwork	29,759.00	0.00				0.00	100.0%	\$29,759.00	\$0.00
332	BMPC CO #05 Remove Underground C.C. Tank	4,246.67	4,246.67				4,246.67	100.0%		\$84.93
333	BMPC CO #06 4 Month of CM Allowance	(40,000.00)	(40,000.00)				(40,000.00)	100.0%		(\$800.00)
334	BMPC CO #07 Additional Temp Drain	4,511.00	4,511.00				4,511.00	100.0%		\$90.22
335	BMPC CO #08 Stone Over Footings	12,670.80	12,670.80				12,670.80	100.0%		\$253.42
336	BMPC CO #09 2" Sump Discharge Pipe	4,118.29	4,118.29				4,118.29	100.0%		\$82.37
337	BMPC CO #10 Remove U/G/L/F Cone Struct.	13,281.00	13,281.00				13,281.00	100.0%		\$265.62
338	BMPC CO #11 Steel Fing at O/H Door	6,567.24	6,567.24				6,567.24	100.0%		\$131.34
339	BMPC CO #12 Steel Baseplate Change	515.77	515.77				515.77	100.0%		\$10.32
340	BMPC CO #13 Reconcile Contractor's Billing	(34.70)	(34.70)				(34.70)	100.0%		(\$0.69)
341	BMPC CO #14 Truss Relocation	17,719.88	17,719.88				17,719.88	100.0%		\$354.40
342	BMPC CO #15 Personnel Lockers	29,431.99	29,431.99				29,431.99	100.0%		\$588.64
343	BMPC CO #16 Exterior Electronic Sign	47,290.16	0.00				0.00	100.0%	\$47,290.16	\$0.00
344	BMPC CO #17 Electrical Changes per Rev #8	3,588.87	3,588.87				3,588.87	100.0%		\$71.78
345	BMPC CO #18 Changes per Rev #10	330,523.23	278,094.12				278,094.12	84.1%	\$52,429.11	\$5,561.88
346	BMPC CO #19 Reconcile Contractor's Billing	(33.90)	(33.90)				(33.90)	100.0%		(\$0.68)
347	BMPC CO #20 Frame End Walls per CFMIF's Engineer	22,301.76	22,301.76				22,301.76	100.0%		\$446.04
348	BMPC CO #21 Detention Hdrw Changes per Rev #10	10,047.72	10,047.72				10,047.72	100.0%		\$200.95
349	BMPC CO #22 Detention Hdrw Changes not per Rev #10	22,749.42	22,749.42				22,749.42	100.0%		\$454.99
351	BMPC CO #23 Pew Body Profile Change	2,627.00	0.00				0.00	100.0%	\$2,627.00	\$0.00
352	BMPC CO #24 Modify Gutter Drain System	22,882.31	22,882.31				22,882.31	100.0%		\$457.65
353	BMPC CO #25 Trenching Work per Rev #10	20,998.86	20,998.86				20,998.86	100.0%		\$419.98
354	BMPC CO #26 Frame N&S Walls per CFMIF's Engineer	15,859.98	15,859.98				15,859.98	100.0%		\$317.20
355	BMPC CO #27 Reconfigure Gas Service	3,694.54	3,694.54				3,694.54	100.0%		\$73.89
356	BMPC CO #28 Cancel Out Change Order #19	33.90	33.90				33.90	100.0%		\$0.68
357	BMPC CO #29 Add Police Logo to Signs	1,407.87	0.00				0.00	100.0%	\$1,407.87	\$0.00
358	BMPC CO #30 Credit for S Wall Masonry	(15,000.00)	(15,000.00)				(15,000.00)	100.0%		(\$300.00)
359	BMPC CO #31 Server Room Relocation	6,018.92	6,018.92				6,018.92	100.0%		\$120.38
360	BMPC CO #32 Framing at steel Katerails	6,595.66	6,595.66				6,595.66	100.0%		\$131.91
361	BMPC CO #33 Insulate 2nd floor deck flutes	1,998.25	1,998.25				1,998.25	100.0%		\$39.97
362	BMPC CO #34 PCO 33R4 for Mangio	48,068.51	43,124.01	4,944.50			48,068.51	100.0%		\$961.37
363	BMPC CO #35 New Light Fixt For Corridors	15,375.59	15,375.59				15,375.59	100.0%		\$307.51
364	BMPC CO #36 Extend Courthouse Soffit	5,609.26	5,609.26				5,609.26	100.0%		\$112.19
365	BMPC CO #37 Soffit at Beam	5,140.09	5,140.09				5,140.09	100.0%		\$102.80
366	BMPC CO #38 Detention Corridor Soffit	5,088.08	5,088.08				5,088.08	100.0%		\$101.76
367	BMPC CO #39 Add Key Feb	6,088.94	4,871.15				4,871.15	80.0%	\$1,217.79	\$97.42
368	BMPC CO #40 Window Credit	(16,000.00)	(16,000.00)				(16,000.00)	100.0%		(\$320.00)
369	BMPC CO #41 Truss Infill	4,312.25	4,312.25				4,312.25	100.0%		\$86.25
370	BMPC CO #42 Azek at Cleverstory	11,284.26	11,284.26				11,284.26	100.0%		\$225.69
371	BMPC CO #43 Credit for CO #24	(22,882.31)	(22,882.31)				(22,882.31)	100.0%		(\$457.65)
372	BMPC CO #44 PCO 51R2 Gutter Mods	46,091.34	40,345.67				40,345.67	87.5%	\$5,745.67	\$806.91

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document, G702™ - 1992, Application and Certification for Payment, or G732™ - 2009, Project Application and Project Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.
 In tabulations below, amounts are in US dollars.
 Use Column I on Contracts where variable retainage for line item may apply.

APPLICATION NO:	35
APPLICATION DATE:	4.15.24
PERIOD TO:	3.31.24
ARCHITECT'S PROJECT NO:	BMPC

A ITEM NO	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	H % (G+C)	I BALANCE TO FINISH (C - G)	J RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	PREVIOUS PERIOD						
373	BMPC CO #45 PCO 56 Modify Citrm Registers	594.00					0.00		\$594.00	\$0.00
374	BMPC CO #46 Legacy Deduct	(10,000.00)	(10,000.00)				(10,000.00)	100.0%		(\$200.00)
375	BMPC CO #47 Utilities Deduct	(10,083.84)	(10,083.84)				(10,083.84)	100.0%		(\$201.68)
376	BMPC CO #48 PCO #64 Int. Storm bring/gyr	2,323.92					0.00		\$2,323.92	\$0.00
377	BMPC CO #49 PCO 60 Server rm door rele	3,151.92					0.00		\$3,151.92	\$0.00
378	BMPC CO #50 PCO 54R1 2nd Fl T. Window	12,604.33					0.00		\$12,604.33	\$0.00
379	BMPC CO #51 PCO 65 Intumescent Credit	(6,755.00)	(6,755.00)				(6,755.00)	100.0%		(\$135.10)
380	BMPC CO #52 PCO #62 SK-54 Flaming	4,932.03	4,932.03				4,932.03	100.0%		\$98.64
381	BMPC CO #53 SubEx Credit	(9,000.00)	(9,000.00)				(9,000.00)	40.0%	(\$5,400.00)	(\$72.00)
382	BMPC CO #54 PCO 68 Fiber Line	30,443.78	5,175.44				30,443.78	100.0%		\$608.88
383	BMPC CO #55 PCO 73 Intake Shower	1,906.54	1,906.54				1,906.54	100.0%		\$38.13
384	BMPC CO #56 PCO 74 Enlarge Aluminum Lettering	2,484.36					0.00		\$2,484.36	\$0.00
385	BMPC CO #57 Utility Bills Reimbursement	(12,793.17)	(12,793.17)				(12,793.17)	100.0%		(\$255.86)
386	BMPC CO #58 Door #181 and Hardware	1,818.62					1,818.62	100.0%		\$36.37
387	BMPC CO #59 Server Room Flooring Carpet to VCT	1,059.19					1,059.19	100.0%		\$21.18
	<i>Change Order Subtotal</i>	709,145.98	520,420.20		32,490.65	0.00	552,910.85	78.0%	156,235.13	\$0.00
	GRAND TOTALS	13,673,145.98	11,584,789.16		96,203.20	0.00	11,680,992.36	85.4%	\$1,992,153.62	\$233,619.85

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Frankoski Construction Co.

(973) 414-9224 • Fax: (973) 678-0520

GENERAL CONTRACTORS

314 DODD STREET

EAST ORANGE, NEW JERSEY 07017

Conditional Waiver and Release Upon Progress Payment

Upon receipt by the undersigned of a check from Township of Barnegat in the sum of \$ 94,279.13 payable to *Frankoski Construction Co., Inc.* and when the check has been properly endorsed and has been paid by the bank upon which it is drawn, this document shall become effective to release any mechanic's lien, stop notice or bond right the undersigned has on the BMPC New Municipal Building located at 900 West Bay Avenue, Barnegat, NJ 08005 to the following extent: This release covers a progress payment for labor, services, equipment or material furnished to BMPC New Municipal Building through 02/29/2024 and does not cover any retention retained before, or after, the release date; extras furnished before the release date for which payment has not been received; extras or items furnished after the release date. Rights based upon work performed or items furnished under a written Change Order which has been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release. This release of any mechanic's lien, stop notice or bond right shall not otherwise affect the contract rights, including rights between parties to the contract based upon a rescission, abandonment or breach of the contract, or the right of the undersigned to recover compensation for furnished labor, services, equipment or material covered by this release if that furnished labor, services, equipment or material was not compensated by any previous progress payments.

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

04/29/2024
(Date Signed)

Joseph Frankoski, President
(Printed Name/Title)

[Signature]
(Signature)

Notary

Subscribed and sworn to before me, this

29 Day of April, 2024

[Signature]
(Notary Public Signature)

My Commission Expires 2/27/29

County of Essex

State of New Jersey

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



AIA[®] Document G706[™] – 1994

Contractor's Affidavit of Payment of Debts and Claims

PROJECT: <i>(Name and address)</i> BMPC New Municipal Building 900 West Bay Ave, Barnegat, NJ	ARCHITECT'S PROJECT NUMBER: BMPC	OWNER: <input checked="" type="checkbox"/>
TO OWNER: <i>(Name and address)</i> Township of Barnegat 900 West Bay Ave, Barnegat, NJ	CONTRACT FOR: New Municipal Building CONTRACT DATED: 10/6/2020	ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> SURETY: <input type="checkbox"/> OTHER: <input type="checkbox"/>

STATE OF: New Jersey
COUNTY OF: Essex

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or Owner's property might in any way be held responsible or encumbered.

EXCEPTIONS:

This applies to Payment Requisition No. 35 only.

SUPPORTING DOCUMENTS ATTACHED HERETO:

- Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA Document G707, Consent of Surety, may be used for this purpose

Indicate Attachment Yes No

The following supporting documents should be attached hereto if required by the Owner:

- Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
- Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.
- Contractor's Affidavit of Release of Liens (AIA Document G706A).


CONTRACTOR: *(Name and address)*

Frankoski Construction Co., Inc.
314 Dodd Street
East Orange, New Jersey 07017

BY:


 (Signature of authorized representative)
 Joseph Frankoski, President
 (Printed name and title)

Subscribed and sworn to before me on this date:


 Notary Public;
 My Commission Expires:

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



AIA[®] Document G706A[™] – 1994

Contractor's Affidavit of Release of Liens

PROJECT: <i>(Name and address)</i> BMPC New Municipal Building 900 West Bay Ave, Barnegat, NJ	ARCHITECT'S PROJECT NUMBER: BMPC	OWNER: <input checked="" type="checkbox"/>
TO OWNER: <i>(Name and address)</i> Township of Barnegat 900 West Bay Ave, Barnegat, NJ	CONTRACT FOR: New Municipal Building CONTRACT DATED: 10/6/2020	ARCHITECT: <input checked="" type="checkbox"/>
		CONTRACTOR: <input checked="" type="checkbox"/>
		SURETY: <input type="checkbox"/>
		OTHER: <input type="checkbox"/>

STATE OF: New Jersey
COUNTY OF: Essex

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS:

This applies to Payment Requisition No. 35 only.

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR: *(Name and address)*
Frankoski Construction Co., Inc.
314 Dodd Street
East Orange, New Jersey 07017

BY:


(Signature of authorized representative)
 Joseph Frankoski, President
(Printed name and title)

Subscribed and sworn to before me on this date:


 Notary Public:
 My Commission Expires:

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

RESOLUTION 2024-212

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING THE REQUEST FOR THE RELEASE OF ROAD OPENING FOR BLOCK 100, LOT 7, 10 EIGHTH STREET

WHEREAS, The Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey has received a payment of \$2,500.00 from the developer K. Sarama LLC, Toms River, NJ 08755 for a Road Opening Bond for Block 100, Lot 7, 10 Eighth Street on January 12, 2022; and

WHEREAS, under the Township Code Section 66-26, it stipulates that a road opening bond remain on deposit with the Township for a period of two years from the date the work has been completed; and

WHEREAS, the Township has received a letter dated April 15, 2024 from the Township Engineer, Kurt Otto approving the release of the road opening bond;

WHEREAS, the Township finds that the recommendations of our engineer are appropriate and in the long term best interest of the Township and its residents; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the request for the release of the Road opening bond for 10 Eighth Street to K. Sarama LLC is hereby approved based on the recommendation of the Township Engineer.

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 at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey, on the 7th day of May, 2024

Donna M. Manno, RMC
Municipal Clerk



Barnegat Township Engineering Office

900 West Bay Avenue, Barnegat, New Jersey 08005

Tel 609.698.0080 ext 148

www.barnegat.net

April 15, 2024

Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

Attention: Donna Manno (via email donnam@barnegat.net)

***Road Opening Permit Bond Release Review
10 Eighth Street; Block 100, Lot 7***

Dear Ms. Manno:

As requested by the applicant, this office has inspected the road opening at the above referenced address and finds that the trench has been repaired in accordance with Township requirements. Therefore, this office has no objection to the road opening bond (check #2131) being released at this time.

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

Very Truly Yours

A handwritten signature in blue ink, appearing to read "K. Otto".

Kurt J. Otto, PE, CME, CFM
Township Engineer

Cc:

Martin Lisella, Twp Administrator
Tom Lombarski, Twp CFO
Jen McCorry, Twp Finance
K. Sarama LLC, ksaramallc@gmail.com;

K SARAMA LLC

1634 Mink Ct., Toms River, NJ 08755

732-433-3283 phone - cell

ksaramallc@gmail.com - email address

April 11, 2024

To: Barnegat Twp

Re:10 8th St., Barnegat, NJ B:100 L:7

Please schedule final inspection and release the \$2500 road opening bond for the subject property which was paid back in 2022.

Sincerely,



Krzysztof Sarama

Receipt Date 1-12-22 680235

Received from K Saramma LLC \$ 2500.00

Two thousand five hundred and 00/100 Dollars

For Rent
 For 10 8th Street Road opening

ACCOUNT	<u>2500</u>	<u>0</u>	<input type="radio"/> CASH
PAYMENT	<u>#12131</u>		<input checked="" type="radio"/> CHECK
BAL. DUE			<input type="radio"/> MONEY ORDER
			<input type="radio"/> CREDIT CARD

From Credit To Finance

By [Signature]

05-15

K SARAMA LLC
Toms River, NJ 08755
732-433-3283

OCEANFIRST BANK N.A.
55-7035/2312

2131

PAY TO THE ORDER OF Barnegat TW

Date 1/12/22
\$ 2500 DOLLARS

Twenty five hundred

10 8th Street Road opening Bond

[Signature]

⑆ 231270353⑆ ⑆ 6006009925⑆ 2131

Details on back
Security Features

10 Eighth St
B100 LT

Trust II
Road Opening Bond
1/14/22
T-03-56-878-858

RESOLUTION 2024-213

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE
OF NEW JERSEY HIRING KELLY KANTEWEIN TO
NON-UNION RECREATION POSITION AS RECREATION AIDE**

BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Kelly Kantewein is hereby hired to a non-union Recreation Aide position effective April 22, 2024 at \$16.00 per hour:

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 at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey, on the 7th day of May, 2024

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-214

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE (1) STOCK ELGIN BROOM BEAR, BELT-MOUNTED ON 2025 FREIGHTLINER M2 CHASSIS STREET SWEEPER FROM GRANTURK EQUIPMENT CO. INC. THROUGH SOURCEWELL COOPERATIVE PRICING CONTRACT #093021-ELG

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 GranTurk Equipment Co. Inc , through contract #093021-ELG; 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 \$363,593.23 with respect to awarding a contract to GranTurk Equipment Co. Inc.

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 #093021-ELG to utilize GranTurk Equipment Co. INc. to accept the price quote of \$363,593.25, for the purchase of One (1) Stok Elgin Broom Bear, Belt-Mounted on 2025 Freightliner M2 Chassis

NOW, BE IT RESOLVED this 7th day of May, 2024, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, approve the purchase of 1 Stock Elgin Broom Bear, Belt-Mounted on 2025 Freightliner M2 Chassis from GranTurk Equipment Co., Inc for \$363,593.25

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 7th day of May, 2024.

Donna M. Manno, RMC
Municipal Clerk

GranTurk equipment co., inc.

home office:
one schuylkill parkway
building b
bridgeport, pa 19405-1069
phone (610) 239-9800
fax (610) 239-9806

branch office:
1415 bush street
baltimore, md 21230
phone (410) 837-5570
fax (410) 837-1024

QUOTATION

April 9, 2024

Township of Barnegat
900 W. Bay Avenue
Barnegat, NJ 08005

Attn: Mr. Scott Dougherty – Superintendent Public Works

As per the **request** of our sales representative Frank Turk we are **pleased** to offer the following for your consideration. In **accordance with the SOURCEWELL Contract #093021-ELG**, we are **pleased** to offer the following for your **consideration**.

One (1) STOCK Elgin Broom Bear, Belt - Mounted on 2025 Freightliner M2 Chassis

Strip Broom

Urethane Lined Hopper

12" Convex Mirrors

Front Spray Bar

Washdown System

2.5 lb. Fire Extinguisher

Battery Disconnect

Hydrant Wrench

Triangle Reflective Flares

LED Stop/Tail/Turn Lights

Rear Mounted Arrow Stick

Rear Oval Amber LED Flashers: Qty 2

Rear Oval Upper Amber Flood Lights: Qty 2

Side Broom Water Function Control

Air Purge

Elgin Broom Bear Service Manual

Freightliner M2 Service Manual

Right-Side Broom Tilt

Elgin Safety Manual

Sweeper & Chassis Painted White to Match

Red Elgin Logo

One Year Parts and Labor Warranty

Elgin Broom Bear Sweeper Only.....	\$233,325.00
Less Sourcewell 3% Discount.....	
Sourcewell Price for Stock Elgin Broom Bear Sweeper.....	\$226,325.25
Freight.....	\$ 4,100.00
Outsource 2025 Freightliner M2 Chassis.....	\$129,668.00
Prep, Delivery & Training.....	<u>\$ 3,500.00</u>
Total Elgin Broom Bear w/2025 Freightliner M2 Chassis.....	<u>\$383,593.25</u>

STOCK – SUBJECT TO PRIOR SALE

We have been **informed** by our **Manufacturer** that pricing for 2024-2026 is unpredictable due to the scarcity of parts needed for chassis and steel **surcharges**. Please be aware that should there be an increase in cost from our factories on an open order, it would be **necessary** to **pass** that **factory cost** to the order. We will do our utmost to avoid these **increases** as much as possible.

Important Notice: The price quoted does not include re-routing of exhaust pipes, removing or relocating fuel tanks, battery boxes or air tanks, or any other chassis modifications. If any of the above is required an extra charge will be made on a time and material basis.

DATE OF ACCEPTANCE _____

By _____

GranTurk equipment co., inc.

ANNE O. RITCHIE - PRESIDENT

Quotation Valid Only if Approved By An Officer of GranTurk equipment co., inc.

GranTurk equipment co., inc.

home office:
one schuylkill parkway
building b
bridgeport, pa 19405-1069
phone (610) 239-9800
fax (610) 239-9806

branch office:
1415 bush street
baltimore, md 21230
phone (410) 837-5570
fax (410) 837-1024

QUOTATION

April 9, 2024

Township of Barnegat
900 W. Bay Avenue
Barnegat, NJ 08005

Attn: Mr. Scott Dougherty – Superintendent Public Works

As per the request of our sales representative Frank Turk we are pleased to offer the following for your consideration. In accordance with the SOURCEWELL Contract #093021-ELG, we are pleased to offer the following for your consideration.

One (1) STOCK Elgin Broom Bear, Belt - Mounted on 2025 Freightliner M2 Chassis

Strip Broom
Urethane Lined Hopper
12" Convex Mirrors
Front Spray Bar
Washdown System
2.5 Lb. Fire Extinguisher
Battery Disconnect
Hydrant Wrench
Triangle Reflective Flares
LED Stop/Tail/Turn Lights
Rear Mounted Arrow Stick

Rear Oval Amber LED Flashers: Qty 2
Rear Oval Upper Amber Flood Lights: Qty 2
Side Broom Water Function Control
Air Purge
Elgin Broom Bear Service Manual
Freightliner M2 Service Manual
Right-Side Broom Tilt
Elgin Safety Manual
Sweeper & Chassis Painted White to Match
Red Elgin Logo
One Year Parts and Labor Warranty

Elgin Broom Bear Sweeper Only.....	\$233,325.00
Less Sourcewell 3% Discount.....	
Sourcewell Price for Stock Elgin Broom Bear Sweeper.....	\$226,325.25
Freight.....	\$ 4,100.00
Outsource 2025 Freightliner M2 Chassis.....	\$129,668.00
Prep, Delivery & Training.....	<u>\$ 3,500.00</u>
Total Elgin Broom Bear w/2025 Freightliner M2 Chassis.....	\$363,593.25

STOCK – SUBJECT TO PRIOR SALE

We have been informed by our Manufacturer that pricing for 2024-2026 is unpredictable due to the scarcity of parts needed for chassis and steel surcharges. Please be aware that should there be an increase in cost from our factories on an open order, it would be necessary to pass that factory cost to the order. We will do our utmost to avoid these increases as much as possible.

Important Notice: The price quoted does not include re-routing of exhaust pipes, removing or relocating fuel tanks, battery boxes or air tanks, or any other chassis modifications. If any of the above is required an extra charge will be made on a time and material basis.

DATE OF ACCEPTANCE _____

By _____

GranTurk equipment co., inc.


ANNE C. RITCHIE - PRESIDENT

Quotation Valid Only if Approved By An Officer of GranTurk equipment co., inc.

RESOLUTION 2024-215

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,
STATE OF NEW JERSEY, TO EXECUTE A CONTRACT UNDER NEW
JERSEY STATE CONTRACT NUMBER 23-FLEET-34933 & #17-FLEET-00761
FOR THE PURCHASE OF ONE (1) 2024 DODGE DURANGO FOR
THE WATER SEWER DEPARTMENT**

WHEREAS, under N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase materials, supplies or equipment under a contract entered into on behalf of the state by the Division of Purchase and Property in the Department of Treasury, State of New Jersey; and

WHEREAS, there will be substantial savings by the municipality by purchasing under State Contract, and utilizing State Contract is in the best interest of the Township of Barnegat; and

WHEREAS, the Township Administrator has determined the acquisition of this vehicle is needed in order to maintain an effective and efficient delivery of municipal services to the Barnegat Township Community; and

WHEREAS, the municipality seeks to purchase this equipment under State Contract number #23-Fleet-34933 & #17-Fleet-00761 from the following vendor:

Nielsen of Morristown
200 Ridgedale Avenue
Morristown, NJ 07960

WHEREAS, the Township wishes to purchase one (1) 2024 Dodge Durango various options listed for a total cost not to exceed \$46,740.15; and

WHEREAS, that the Chief Financial Officer ("CFO") does hereby certify the availability of funds with respect to purchasing from Nielsen of Morristown, 200 Ridgedale Ave, Morristown, NJ 07960 for a price not to exceed \$46,740.15

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

4-09-55-501-575

Line Item(s)

Thomas Lombarski, CFO

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

NOW, BE IT RESOLVED this 7th day of May, 2024 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, of the following:

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

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their regular meeting held in the Municipal Complex 900 W. Bay Avenue, Barnegat on the 7th day of May, 2024

Donna M. Manno, RMC
Municipal Clerk



Quote

NIELSEN OF MORRISTOWN

200 Ridgedale Ave.
Morristown, NJ 07960

2024 Dodge Durango (WDEE75) Pursuit AWD
STATE OF NEW JERSEY
CONTRACT # 23-FLEET-34933

Base Price \$ 40,121.00

Factory Options

Item		Price
Exterior Colors: Black	\$	395.00
C5X9 Black, Cloth Bucket Seats w/Shift Insert	\$	-
WP1 Wheels: 18" x 8.0" Painted Aluminum	\$	390.00
CUF Full Length Floor Console -inc: 115V Auxiliary Power Outlet, Illuminated Cupholders	\$	330.00
	Options	\$ 1,115.00
	Options % off	3.00%
	Factory Option Total	\$1,081.55

NJ State Contract Options for Durango Pursuit (17-FLEET-00761)

I3J (4) Whelen TRIO ION LEDs (Amber) Mounted in Grill (MSRP \$952 @ 45% Off)	\$	523.60
MCRNTJ (2) Whelen Microm LEDs (Amber) Mounted on Side of Front LP (MSRP \$328 @ 45% Off)	\$	180.40
SLFLASH (2) Whelen (Amber) SS Flasher (MSRP \$612 @ 45% Off)	\$	336.60
Labor Installation 11 hrs @ \$75 per Hour	\$	825.00

Additional Options

MOPAR All Weather Floor Mats	\$	325.00
Tint Front (2) Windows to Match Rear & Windshield Strip	\$	225.00
Remote Start	\$	1,100.00
Continental Power Train Warranty 7 year/85K miles \$100 Deductible	\$	2,022.00
	Option Total	\$ 5,537.60

Date: 4/9/2024

Vehicle Total \$ 46,740.15



Quote

NIELSEN OF MORRISTOWN

200 Ridgedale Ave.
Morristown, NJ 07960

To: BARNEGAT TWP UTILITY	From: Barbara Karle Phone/Fax: (973) 319- 7007 / (973) 884-2650
	Vehicle Pick Up Location Nielsen Fleet 31 Williams Parkway East Hanover, NJ 07936

2024 Dodge Durango (WDEE75) Pursuit AWD
STATE OF NEW JERSEY
CONTRACT # 23-FLEET-34933

Mechanical

Engine: 3.6L V6 24V VVT UPG 1 w/ESS (STD)
 Transmission: 8-Speed Automatic (8SOE) (STD)
 3.45 Rear Axle Ratio (STD)
 GVWR: 6,500 lbs (STD)
 50 State Emissions
 Transmission w/Sequential Shift Control
 Full-Time All-Wheel
 Engine Oil Cooler
 650CCA Maintenance-Free Battery w/Run Down Protection
 220 Amp Alternator
 Towing Equipment -inc: Trailer Sway Control
 Police/Fire
 1650# Maximum Payload
 Gas-Pressurized Front Shock Absorbers and Nivomat Brand Name Rear Shock Absorbers
 Rear Auto-Leveling Suspension
 Front And Rear Anti-Roll Bars
 HD Suspension
 Electric Power-Assist Speed-Sensing Steering

 24.6 Gal. Fuel Tank
 Single Stainless Steel Exhaust
 Permanent Locking Hubs
 Short And Long Arm Front Suspension w/Coil Springs
 Multi-Link Rear Suspension w/Coil Springs
 4-Wheel Disc Brakes w/4-Wheel ABS, Front And Rear Vented Discs, Brake Assist and Hill Hold Control

Exterior

Wheels: 18" x 8.0" Black Steel (STD)
 Wheels w/Chrome Hub Covers
 Tires: 255/60R18 On/Off Road

Entertainment

GPS Antenna Input

SiriusXM Satellite Radio

Integrated Center Stack Radio
 Radio w/Seek-Scan, Clock, Speed Compensated Volume Control, Aux Audio Input Jack, Steering Wheel
 Controls and Radio Data System
 Radio: Uconnect 4 w/8.4" Display

Exterior cont.

Steel Spare Wheel
 Full-Size Spare Tire Stored Underbody w/Crankdown
 Clearcoat Paint
 Body-Colored Front Bumper w/Colored Rub Strip/Fascia Accent
 Body-Colored Rear Step Bumper w/Colored Rub Strip/Fascia Accent
 Chrome Bodyside Insert and Colored Wheel Well Trim
 Black Side Windows Trim
 Body-Colored Door Handles
 Body-Colored Power Heated Side Mirrors w/Manual Folding
 Fixed Rear Window w/Fixed Interval Wiper and Defroster
 Deep Tinted Glass
 Speed Sensitive Variable Intermittent Wipers
 Galvanized Steel/Aluminum Panels

 Lip Spoiler
 Front License Plate Bracket
 Black Grille
 Liftgate Rear Cargo Access
 Tailgate/Rear Door Lock included w/Power Door Locks
 Auto On/Off Projector Beam Led Low/High Beam Daytime Running Headlamps w/Delay-Off

Perimeter/Approach Lights

LED Brakelights
Laminated Glass

Entertainment

Radio w/Seek-Scan, Clock, Speed Compensated Volume Control, Aux Audio Input Jack, Steering Wheel
 Controls and Radio Data System
 Radio: Uconnect 4 w/8.4" Display
 6 Speakers
 Streaming Audio

Interior cont.

Partial Floor Console w/Covered Storage, Mini Overhead Console w/Storage and 3 12V DC Power Outlets

Front And Rear Map Lights

Fade-To-Off Interior Lighting

Carpet Floor Trim

Full Vinyl/Rubber Floor Covering

Cargo Area Concealed Storage

6 Speakers

Streaming Audio

GPS Antenna Input

SiriusXM Satellite Radio

Integrated Center Stack Radio

Integrated Voice Command w/Bluetooth

2 LCD Monitors In The Front

Interior

Front Seats w/Power 4-Way Driver Lumbar

12-Way Power Driver Seat -inc: Power Recline, Height Adjustment, Fore/Aft Movement, Cushion Tilt and Power

4-Way Lumbar Support

4-Way Passenger Seat -inc: Manual Recline, Fore/Aft Movement and Fold Flat
60-40 Folding Split-Bench Front Facing Fold Forward Seatback Rear Seat

Manual Tilt/Telescoping Steering Column

Gauges -inc: Speedometer, Odometer, Voltmeter, Oil Pressure, Engine Coolant Temp, Tachometer, Oil

Temperature, Transmission Fluid Temp, Engine Hour Meter, Trip Odometer and Trip Computer

Power Rear Windows and Fixed 3rd Row Windows

Leather/Metal-Look Steering Wheel

Illuminated Front Cupholder

Rear Cupholder

Compass

Proximity Key For Doors And Push Button Start

Valet Function

Remote Keyless Entry w/Integrated Key Transmitter, 2 Door Curb/Courtesy,

Illuminated Entry and Panic Button

Remote Releases -inc: Power Fuel

Cruise Control w/Steering Wheel Controls

Dual Zone Front Automatic Air Conditioning

Rear HVAC w/Separate Controls

HVAC -inc: Auxiliary Rear Heater, Headliner/Pillar Ducts and Console Ducts

Illuminated Locking Glove Box

Driver Foot Rest

Interior Trim -inc: Leatherette Instrument Panel Insert, Metal-Look Door Panel Insert and Chrome Interior accents

Full Cloth Headliner

Cloth Bucket Seats w/Shift Insert -inc: cloth rear seat

Day-Night Auto-Dimming Rearview Mirror

Driver And Passenger Visor Vanity Mirrors

Cargo Space Lights

FOB Controls -inc: Cargo Access and Windows

Google Android Auto

USB Host Flip

Apple CarPlay

Driver / Passenger And Rear Door Bins

Power 1st Row Windows w/Driver And Passenger 1-Touch Up/Down

Delayed Accessory Power

Power Door Locks w/Autolock Feature

Systems Monitor

Redundant Digital Speedometer

Trip Computer

Outside Temp Gauge

Digital/Analog Appearance

Manual w/Tilt Front Head Restraints and Fixed Rear Head Restraints

Front Center Armrest w/Storage and Rear Center Armrest

Sentry Key Engine Immobilizer

3 12V DC Power Outlets

Air Filtration

Safety-Mechanical

Electronic Stability Control (ESC) And Roll Stability Control (RSC)

ABS And Driveline Traction Control

Safety-exterior

Side Impact Beams

Safety-Interior

Dual Stage Driver And Passenger Seat-Mounted Side Airbags

ParkSense with Stop Rear Parking Sensors

Blind Spot Detection Blind Spot

and Rear Cross Path Detection

Tire Specific Low Tire Pressure Warning

Dual Stage Driver And Passenger Front Airbags

Curtain 1st, 2nd And 3rd Row Airbags

Airbag Occupancy Sensor

Driver Knee Airbag

Rear Child Safety Locks

Outboard Front Lap And Shoulder Safety Belts -inc: Rear Center 3 Point, Height

Adjusters and Pretensioners

ParkView Back-Up Camera

RESOLUTION 2024-216

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO ALL AMERICAN FORD OF PARAMUS FOR PURCHASE OF ONE (1) 2023 FORD TRANSIT 250 MR CARGO RWD MODIFIED VAN: NJ BID # ESCNJ 23/24-11, CO OP #65MCECCPS

WHEREAS, the Township is in need of acquiring heavy duty equipment for the Water & Sewer Department; and

WHEREAS, the Township of Barnegat is a member of the Educational Services Commission of New Jersey (ESCNJ) #65MCECCPS Cooperative Pricing Agreement for the purchase of goods and services; and

WHEREAS, a proposal has been submitted, in accordance with the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing Contract, from All American Ford of Paramus for the needed equipment; 2023 Ford Transit 250 MR Cargo RWD Modified Van; and

WHEREAS, the proposed price, in accordance with ESCNJ Contract, is \$65,599.10; and

WHEREAS, the Township finds that the proposal submitted by All American Ford of Paramus, a copy of which is on file with the office of the Township Clerk and can be reviewed during normal business hours, is appropriate and in accordance with the Township's budgetary constraints is the lowest price available for the purchase of the aforesaid equipment; and

WHEREAS that the Chief Financial Officer ("CFO") does hereby certify the availability of funds with respect to awarding a contract All American Ford of Paramus, 375 Route 17 South, , Paramus, NJ 07652 in an amount not to exceed \$65,599.10, for the purchase of one (1) 2023 Ford Transit 250 MR Cargo RWD Modified Van for the Water & Sewer Department

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

Line Item(s)

Thomas Lombarski, CFO

NOW, THEREFORE, BE IT RESOLVED, this 7th day of May, 2024, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township awards the Contract for the supply of the aforementioned equipment of same to All American Ford of Paramus, for and in consideration of \$65,599.10.
2. This award of this Contract is in accordance with State Contract Bid Laws and therefore is the lowest price available for this Contract.
3. The award of this Contract is in accordance with the Township's budgetary constraints.
4. This award is pursuant to Purchase Award ESCNJ #23/24-11,
5. The Township authorizes and directs the Mayor, Township Clerk, Township Administrator, and Township professionals to execute any and all necessary documents in order to implement the intent of this resolution.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on the 7th day of May, 2024, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk



PARAMUS FORD, INC.
d/b/a ALL AMERICAN FORD OF PARAMUS

BID #: ESCNJ 23/24-11
CO-OP #: 65MCESCPCS

375 ROUTE 17 SOUTH
PARAMUS, NJ 07652
201-262-4900 EXT. 1006
JGREEN@ALLAMERICANFORD.NET

PREPARED BY: JOSEPH GREEN
SALES DIRECTOR

DATE: 4/27/2024

TO: BARNEGAT TOWNSHIP
C/O MR. ROGER BUDD, UTILITY MANAGER
900 WEST BAY AVENUE
BARNEGAT, NJ 08005

STOCK # 23T1150 | VIN #: 1FTBR1C85PKB95601 - CURRENTLY IN STOCK & AVAILABLE IMMEDIATELY.

DESCRIPTION	MSRP	DISCOUNT	PRICE
2023 FORD TRANSIT 250 MR CARGO RWD 148" WB -OXFORD WHITE / DARK PALAZZO GRAY INT -3.5L PFDI V6 GAS ENGINE -10-SPEED AUTO TRANSMISSION -FRONT LICENSE PLATE BRACKET -9070# GVWR PACKAGE -50 STATE EMISSIONS -ELEC AIR TEMP CONTROL -HIGH RES REAR VIEW CAMERA -DUAL BATTERIES (70 AMP HR) -E-85 FLEX FUEL VEHICLE -DESTINATION & DELIVERY	\$ 49,150.00	\$ 2,949.00	\$ 46,201.00
3.73 LIMITED SLIP AXLE	\$ 325.00	\$ 19.50	\$ 305.50
REAR COMPARTMENT LIGHTING	\$ 75.00	\$ 4.50	\$ 70.50
EXTERIOR UPGRADE PKG - SRW -FRONT FOG LAMPS -HID HEADLAMPS -WIPER ACTIVATED HEADLAMPS	\$ 535.00	\$ 32.10	\$ 502.90
253 DEGREE REAR DOOR OPENING	\$ 75.00	\$ 4.50	\$ 70.50
AUTO START STOP REMOVAL	\$ (50.00)	\$ (3.00)	\$ (47.00)
REVERSE SENSING SYSTEM	\$ 295.00	\$ 17.70	\$ 277.30
KEYLESS ENTRY PAD	\$ 95.00	\$ 5.70	\$ 89.30
SHORT ARM PWR HTD MIRRORS	\$ 160.00	\$ 9.60	\$ 150.40
SYNC 4 AM/FM BLUETOOTH	\$ 930.00	\$ 55.80	\$ 874.20
CRUISE CONTROL	\$ 325.00	\$ 19.50	\$ 305.50

VEHICLE MAINTENANCE MONITOR	\$ 45.00	\$ 2.70	\$ 42.30
EXTENDED FUEL TANK (31 GAL)	\$ 285.00	\$ 17.10	\$ 267.90
D-PILLAR ASSIST HANDLES	\$ 60.00	\$ 3.60	\$ 56.40
FRONT OVERHEAD SHELF	\$ 75.00	\$ 4.50	\$ 70.50
2 ADDITIONAL KEYS	\$ 75.00	\$ 4.50	\$ 70.50
POWER OUTLET (110V/400W)	\$ 475.00	\$ 28.50	\$ 446.50
LOAD AREA PROTECTION PACKAGE -VINYL F/R FLOOR COVERING	\$ 485.00	\$ 29.10	\$ 455.90
UPFITS INSTALLED BY DEJANA: DURARAC ALUMINUM STRAIGHT PARTITION W/ DOOR; DURARAC R250 48" SHELF UNIT, 3 15" AND 1 11" SHELF, 48"L X 15"D X 60"H STREETSIDE FRONT; DURARAC DIVIDERS FOR 15" SHELF PACK OF 5; DEJANA DURARAC D200 SERIES 3/4 WIDTH INSTALLED IN REAR, 3 36"D X 42.74"W ADJ. SHELVES, SHELVES MOUNTED TO EASY GLIDE SIDE RAILS. EACH SHELF HAS A 300LB CAPACITY. INCLUDES METER HOLDER FOR SECOND SHELF TRAY DEJANA FABRICATED CUSTOM WORK TOP MOUNTED ON TOP OF DURARAC UNIT IN THE REAR CARGO AREA, CONSTRUCTED FROM DIAMOND PLATE ALUMINUM WITH CUSTOM BENDS TO CUSTOMERS DIMENSIONS (TBD). INCL. BACK PANEL W/ A HEIGHT OF (TD) W/ 2 THREE HOOK BARS MOUNTED FACING THE CARGO SIDE. AND 2 ADDITIONAL THREE HOOK BARS FACING OUT THE REAR AS PER PHOTOS SENT. 4 MAXIMA LED STROBES IN THE GRILL, 2 MAXIMA STROBES IN REAR BUMPER, 2 STROBES AT TOP OF DOOR INTERIOR WHEN DOORS ARE OPEN ON A SEPARATE SWITCH ON BRACKETS; AIMS 3000 WATT PURE SINE WAVE POWER INVERTER 3000 WATTS CONTINUOUS, 6000 WATTS PEAK POWER, 115 VOLT AC THREE-PRONG OUTLETS, GFCI RED FAULT LED INDICATOR, GFCI RESET PUSHBUTTON, BICOLOR POWER/FAULT LED INDICATOR, ON/OFF SWITCH, DC INPUT VOLTAGE INDICATOR, 2 BATTERIES AND BATTERY BOXES, COLE HERSEE SMART ISOLATOR AND FUSES. ADDITIONAL GFCI OUTLET 120 VAC LOCATION TBD - MAX # OF OUTLETS IS 2 BEFORE A BREAKER BOX IS REQUIRED.	\$ -	\$ -	\$ 15,389.00
SUBTOTAL:	\$ 53,415.00	\$ 3,204.90	\$ 65,599.10
		TOTAL:	\$ 65,599.10

OPTIONAL ITEMS:	PRICE
DELIVERY TO OCEAN COUNTY	\$ 350.00

PLEASE NOTE: ALL PURCHASE ORDERS MUST CONTAIN BID# AND CO-OP#

RESOLUTION 2024-217

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE OF NEW JERSEY AUTHORIZING THE PLACE-TO-PLACE TRANSFER TO SREE KRISHNA FOR LIQUOR LICENSE 1533-44-005-005

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Consumption License 1533-44-005-005, heretofore issued to Sree Krishna Incorporated trading as Super Saver; located at 362 North Main Street; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Barnegat Township Governing Body does hereby approve, effective May 9, 2024, place-to-place transfer of the Plenary Retail Consumption License #1533-44-005-005 to Sree Krishna Incorporated, from address 362 North Main Street, Barnegat, NJ 08005 to 760 Lighthouse Drive, Barnegat and does hereby direct the Municipal Clerk to endorse the license certificate to the owner Sree Krishna Incorporated as follows: "This license, subject to all its terms and conditions, is hereby transferred from 362 North Main Street to 760 Lighthouse Drive, Barnegat NJ as License #1533-44-005-006 effective May 9, 2024."

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 Governing Body at their meeting in the Municipal Complex, 900 W. Bay Avenue, on the 7th day of May, 2024.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-218

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE OF NEW JERSEY AUTHORIZING THE PLACE-TO-PLACE TRANSFER TO SRI VAIDHIKA INC., FOR LIQUOR LICENSE 1533-44-010-005

WHEREAS, an application has been filed for a place-to-place transfer of Plenary Retail Consumption License 1533-44-010-005, heretofore issued to Sri Vaidhika Inc., trading as Barnegat Wine & Spirits LLC; located at 912 W. Bay Avenue, Unit 160; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Barnegat Township Governing Body does hereby approve, effective May 16, 2024, place-to-place transfer of the Plenary Retail Consumption License #1533-44-010-005 to Sri Vaidhika Inc., from address 912 W. Bay Avenue, Unit 160, Barnegat, NJ 08005 to 362 North Main Street, Barnegat and does hereby direct the Municipal Clerk to endorse the license certificate to the owner Sri Vaidhika Inc., as follows: "This license, subject to all its terms and conditions, is hereby transferred from 912 W. Bay Avenue, Unit 160 to 362 North Main Street, Barnegat NJ as License #1533-44-010-006 effective May 16, 2024."

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 Governing Body at their meeting in the Municipal Complex, 900 W. Bay Avenue, on the 7th day of May, 2024.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-219

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, CALLING FOR THE MODERNIZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don’t want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED, the Barnegat Township Committee in the County of Ocean respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Carmen Amato, Assemblymen, Greg Myhre and Brian E. Rumpf, Governor Murphy, and the New Jersey League of Municipalities.

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 at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey, on the 7th day of May, 2024

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-220

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE
OF NEW JERSEY, HIRING HUNTER K. DOCHERTY AS A FULL TIME LABORER
FOR THE PUBLIC WORKS DEPARTMENT**

BE IT RESOLVED, by the Township Committee of the Township of Barnegat, County of Ocean, New Jersey that Hunter K. Docherty is hereby hired as a Full Time Laborer for the Public Works Department, consistent with the current Teamsters #35/Public Works Collective Bargaining Agreement, effective May 20, 2024, pending positive background investigation.

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 W. Bay Avenue, Barnegat, NJ on the 7th day of May, 2024.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2024-221

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE
OF NEW JERSEY, ACCEPTING AND APPROVING A SHARED SERVICES
AGREEMENT WITH THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE
OF NEW JERSEY FOR
CHIEF FINANCIAL OFFICER SERVICES**

WHEREAS, the Township Committee of the Township of Barnegat (“Barnegat”) wishes to enter into a Shared Service Agreement with the Township of Plumsted (“Plumsted”) to share services and reduce costs by working together to provide Thomas Lombarski, as Chief Financial Officer services to the Township of Plumsted; and

WHEREAS, by entering into the Shared Service Agreement, Barnegat and Plumsted agree that the shared use of the aforementioned services benefits each public entity equally; and

WHEREAS, Plumsted shall compensate Barnegat for the provision of Chief Financial Officer services as defined in the Shared Services Agreement, a true copy of which is on file at the Office of the Township Clerk and can be reviewed by the public during normal business hours; and

WHEREAS, all contractual provisions have been negotiated in the aforementioned Shared Services Agreement; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes and empowers Plumsted and Barnegat to enter into this Agreement.

NOW, THEREFORE, BE IT RESOLVED, this 7th day of May 2024 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township Committee approved the Shared Services Agreement, a true copy of which is on file at the Township Clerk’s office and can be reviewed by the public during normal business hours.
2. The Township Committee authorizes and directs the Mayor and Township Clerk to execute any and all necessary documents in order to implement the intent of the Resolution.
3. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:
 - a. Honorable Joseph Marte, Mayor of Barnegat
 - b. New Jersey Department of Community Affairs
 - c. Honorable Dominick Cuozzo, Mayor of Plumsted Township
 - d. Martin Lisella, Administrator
 - e. Christopher Dasti, Esq.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Committee on the 7th day of May, 2024.

Donna M. Manno, RMC
Municipal Clerk

**INTERLOCAL SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF
PLUMSTED AND THE TOWNSHIP OF BARNEGAT**

THIS AGREEMENT made this 7th day of May 2024

BETWEEN: **THE TOWNSHIP OF PLUMSTED**, a Municipal Corporation Politic of the State of New Jersey, having its principal offices located at 121 Evergreen Road, New Egypt, New Jersey, 08533, hereinafter referred to as
“Plumsted Township”.

AND: **THE TOWNSHIP OF BARNEGAT**, a Municipal Corporation Politic of the State of New Jersey having its principal offices located at 900 West Bay Avenue, Barnegat, New Jersey, 08005, hereinafter referred to as **“Barnegat Township”**; and collectively Barnegat Township and Plumsted Township referred to as **“the parties”**.

THIS AGREEMENT WAS AUTHORIZED BY RESOLUTION OF THE BARNEGAT TOWNSHIP COMMITTEE DATED MAY 7, 2024; AND OF THE TOWNSHIP OF PLUMSTED COMMITTEE DATED: _____

WHEREAS, Plumsted Township and Barnegat Township are contiguous municipalities, each serving the residents and taxpayers of their respective townships; and

WHEREAS, Plumsted Township is currently without the services of a Township Chief Financial Officer; and

WHEREAS, Mr. Thomas Lombarski presently serves as Chief Financial Officer of Barnegat Township and each township concurs that Mr. Lombarski possesses specialized skills, knowledge and expertise in the area of Municipal Finance; and

WHEREAS, Plumsted Township and Barnegat Township wishes to enter into an Interlocal Shared Services Agreement between the Township of Plumsted and the Township of Barnegat dated May 7, 2024, in which Thomas Lombarski will serve as Chief Financial Officer of Barnegat Township and Plumsted Township; and

WHEREAS, Plumsted Township and Barnegat Township agree that it will be of mutual benefit to both municipalities to share the Chief Financial Officer services of Mr. Lombarski, for year 2024-2025.

NOW, THEREFORE, the parties hereunder **DO AGREE** as follows:

1. Thomas Lombarski is hereby appointed as Chief Financial Officer for Plumsted Township with the understanding by both parties that the hours needed to fulfill the duties of CFO be approximately between 8-12 hours per week.
2. Thomas Lombarski shall perform the duties of Chief Financial Officer for Plumsted Township consistent with the work responsibilities as described in the Township of Plumsted Administrative Code for the position.
3. Plumsted Township shall issue payment for the services of Thomas Lombarski directly to the Township of Barnegat for CFO services on a monthly basis for which payment shall be made in due course by Plumsted Township at their monthly meeting. The rate of payment shall be \$5,000 per month for services rendered.
4. Plumsted Township shall furnish Mr. Lombarski the office supplies, equipment, IT services, and space necessary to properly perform the duties of Chief Financial Officer for Plumsted Township.
5. In accordance with N.J.S.A. 40A:11-15 this Agreement is subject to the availability and appropriation of sufficient funds in the fiscal years in which the services are provided. The Chief Financial Officer of Plumsted Township and Barnegat Township shall certify that sufficient funds are (or will be) available in the current municipal budget for this contract or by budget amendment or emergency as deemed appropriate.
6. The Term of this Agreement shall be for a period of twelve (12) months commencing May 7, 2024 through and including May 6, 2025. It is the intent of the parties to review and evaluate this Interlocal Shared Services Agreement for renewal at the end of the term; however, both parties agree to evaluate the arrangement and needs after 90 days from the date of this agreement. The Agreement may be terminated by either of the parties at the end of the 90 days which shall include a 30 written notice.
7. All notices required by this Agreement shall be in writing and shall be sent via regular and certified mail, return receipt requested to the Municipal Clerk of each Township at the address listed in the preamble of this Agreement.
8. This Agreement constitutes the entire Agreement between Plumsted Township and Barnegat Township and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified or cancelled by a duly executed written instrument.
9. The parties agree that this Agreement was prepared under the authority of the State of New Jersey and therefore shall be interpreted by the laws of that State.
10. Any dispute arising out of this Agreement shall be submitted for arbitration to the American Arbitration Association to be adjudicated pursuant to the rules and procedure of that organization. All decisions of the Arbitrators shall be binding upon the parties and may be docketed in any Court of competent jurisdiction as provided by Court Rule.
11. The rights, duties and obligations of this Agreement may not be assigned without either party's prior written consent.

12. It is agreed that a failure or delay in the enforcement of any of the provision of this Agreement by either party shall not constitute a waiver of those provisions.
13. If any provision or provisions of this Agreement be determined to be invalid or contrary to New Jersey law only these provisions shall be struck and the remaining provisions of this agreement shall survive.
14. The parties acknowledge and agree that they are associated for only the purposes set forth in this Agreement and each is a public entity separate and distinct from the other. Nothing contained in this Agreement shall be deemed or construed to create a partnership or joint venture or to otherwise create any liability for one party whatsoever with respect to the indebtedness, liabilities and obligations of the other party beyond what may be required by general law.
15. The parties hereto represent and warrant that the person executing this Agreement has the full power and authority to enter into this Agreement and that this Agreement has been duly authorized by the appropriate Resolution of each entity.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first above written.

ATTEST:

TOWNSHIP OF PLUMSTED

**JENNIFER WHITAM, RMC
MUNICIPAL CLERK**

DOMINICK CUOZZO, MAYOR

ATTEST:

TOWNSHIP OF BARNEGAT

**DONNA M. MANNO, RMC
MUNICIPAL CLERK**

JOSPEH MARTE, MAYOR

**MARTIN LISELLA
BARNEGAT TOWNSHIP ADMINISTRATOR**

RESOLUTION 2024-222

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 May 7, 2024.

Donna M. Manno, RMC
Municipal Clerk