

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

**TOWNSHIP COMMITTEE MEETING AGENDA
MARCH 3, 2026 6:30 PM**

Call to Order the March 3, 2026 Township Committee Meeting:

Provisions of the Open Public Meetings Law:

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

Pledge of Allegiance:

Invocation: by Pastor Joeseeph Faraldi, Bayside Chapel

Roll Call of Officials:

Committeeman Cirulli –
Committeeman Marte –
Committeeman Townsend –
Deputy Mayor Rubenstein –
Mayor Pipi –

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:

Old Business:

Ordinance 2026-3

(Second Reading)

An Ordinance to exceed the Municipal Budget Appropriation limits and to establish a Cap Bank in accordance with NJSA 40A:4-45.14

Motion to open Public Comment:

Second:

Motion to close Public Comment:

Second:

Motion to adopt Ordinance:

Second:

Roll Call:

Committeeman Cirulli:

Committeeman Marte:

Committeeman Townsend

Deputy Mayor Rubenstein:

Mayor Pipi:

Ordinance 2026 –4

(Second Reading)

An Ordinance authorizing the sale of Block 223, Lot 2 (69 Bayview Blvd) pursuant to N.J.S.A. 40A:12-1 Et Seq.

Motion to open Public Comment:

Second:

Motion to close Public Comment:

Second:

Motion to adopt Ordinance:

Second:

Roll Call:

Committeeman Cirulli:

Committeeman Marte:

Committeeman Townsend

Deputy Mayor Rubenstein:

Mayor Pipi:

Ordinance 2026-5

(Second Reading)

An Ordinance Repealing and Replacing Chapter 55-350 through Chapter 55-539 of the Township Code Entitled “Affordable Housing Requirements”

Motion to open Public Comment:

Second:

Motion to close Public Comment:

Second:

Motion to adopt Ordinance:

Second:

Roll Call:

Committeeman Cirulli:

Committeeman Marte:

Committeeman Townsend

Deputy Mayor Rubenstein:

Mayor Pipi:

New Business:

Ordinance 2026-6

(First Reading)

An Ordinance Amending and Supplementing Chapter 52 of the Township Code, Entitled “Canvassers, Solicitors and Mobile Vendors” and Specifically adding Article III, Entitled “Do Not Knock Registry”

Motion to introduce ordinance:

Second:

Roll Call:

Committeeman Cirulli:

Committeeman Marte:

Committeeman Townsend

Deputy Mayor Rubenstein:

Mayor Pipi:

Ordinance 2026-7

(First Reading)

An Ordinance Amending and Supplementing Chapter 65-1 of the Township Code, Entitled “Duty of Owner to Remove”

Motion to introduce ordinance:

Second:

Roll Call:

Committeeman Cirulli:

Committeeman Marte:

Committeeman Townsend

Deputy Mayor Rubenstein:

Mayor Pipi:

Consent Agenda:

The below listed items are considered to be routine business and will be enacted by one motion. If discussion is desired of individual items, the item will be removed from the Consent Agenda and will be considered separately.

Approval of Pocketbook Bingo and On-Premise Merchandise Raffle to PTA Barnegat Elementary for April 25, 2026

Approval of On Premise 50/50 Raffle for Breast Cancer Group of Heritage Point for April 15, May 2, May 25, July 4, Sept. 7, October 17, Nov. 19, Dec. 14, 2026

Approval to Turnkey Enterprises LLC, 801 W, Vulcanite Ave, Alpha NJ for clothing bin placed at Barnegat VFC #1, 499 Barnegat Blvd, Barnegat

Approval to Turnkey Enterprises LLC, 801 W, Vulcanite Ave, Alpha NJ for clothing bin placed at Barnegat VFC #2, 99 Route 72, Barnegat

Approval of membership to Thomas Fiorellino to the Barnegat First Aid Squad

Approval of membership to Ann Mortola to the Barnegat First Aid Squad

Approval of membership to Christian Ntim to the Barnegat First Aid Squad

Approval of membership to Dessie E. Machugh to the Barnegat First Aid Squad

Resolution 2026 –104

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

Resolution 2026 – 105

Resolution authorizing the Tax Collector to Refund payment erroneously posted for Block 113.07, Lot 40, 115 Edenton Drive in the amount of \$2,468.28 for the 4th quarter 2025 tax bill.

Resolution 2026-106

Resolution authorizing the Tax Collector to refund payment erroneously posted for Block 252, Lot 3, 650 East Bay Avenue in the amount of \$200.00 for 1st quarter 2026 Water/Sewer bill.

Resolution 2026-107

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 92.83 Lot 27; 26 Avalon Avenue in the amount of \$2,262.16.

Resolution 2026-108

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 116.33 Lot 1; 167 Pennsylvania Avenue in the amount of \$2,168.12.

Resolution 2026-109

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 114.08 Lot 13; 30 Barnegat Blvd in the amount of \$1,216.18.

Resolution 2026-110

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 90.49 Lot 11; 7 Celestial Court in the amount of \$2,010.89.

Resolution 2026-111

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 115.09 Lot 18; 167 Sandpiper Road in the amount of \$1,432.76.

Resolution 2026-112

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 144.07 Lot 17; 257 Hawthorne Lane in the amount of \$1,653.96.

Resolution 2026-113

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 116.26 Lot 5; 9 Aspen Circle in the amount of \$1,129.92.

Resolution 2026-114

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 208.03 Lot 166; 209 Rahway Road in the amount of \$2,558.05.

Resolution 2026-115

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 95.28 Lot 18; 10 Lakeland Drive in the amount of \$1,676.32.

Resolution 2026-116

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 116.05 Lot 25; 2 Quartz Terrace in the amount of \$2,069.47.

Resolution 2026-117

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 95.36 Lot 18; 10 Swimming River Court in the amount of \$926.45.

Resolution 2026-118

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 92.87 Lot 29; 55 Nautilus Drive in the amount of \$2,529.61.

Resolution 2026-119

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 114.25 Lot 33; 10 Sextant Drive in the amount of \$1,190.74.

Resolution 2026-120

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 116.19 Lot 42; 10 Glen Court in the amount of \$1,890.65.

Resolution 2026-121

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 114.70 Lot 11; 15 Tedesco Way in the amount of \$2,080.96.

Resolution 2026-122

Resolution authorizing the Tax Collector to cancel taxes and authorize a refund due to totally disabled veteran, Block 92.50 Lot 19; 16 Cape Cod Avenue in the amount of \$2391.64.

Resolution 2026-123

Resolution creating the Job Description for Lobby Receptionist for Clerks Office

Resolution 2026-124

Resolution re-appointing Benjamin H. Mabie, III as Municipal Court Judge for the Township of Barnegat for a new three-year-term, effective April 1, 2026 at an annual salary of \$60,000.00

Resolution 2026-125

Resolution authorizing Condo Services Reimbursements for the year 2025.

Resolution 2026-126

Resolution authorizing reimbursement to homeowners for mailbox damage by Township vehicles during the storm of January 25, 2026.

Resolution 2026-127

Resolution authorizing the execution of a Shared Service Agreement with the Ocean County Prosecutors office for the participation of a Regionalized SWAT and Crisis Negotiation team

Resolution 2026-128

Resolution adopting the Fourth Round Affordable Housing Trust Fund Spending Plan

Resolution 2026-129

Resolution authorizing CME Associates to provide an Engineering Professional Services Contract for the Improvements to the Municipal Dock Pavilion

Resolution 2026-130

Resolution denying Final Sanitary sewer system facilities approval to Schnitzle Builders for Block 265, Lot 3 also known as 26 South Main Street

Resolution 2026-131

Resolution granting Final Sanitary sewer system facilities approval to SP Barnegat LLC for proposed Aldi Food Market located at Block 114, Lot 14.05 also known as 10 Barnegat Blvd

Resolution 2026-132

Resolution granting Final Water system facilities approval to SP Barnegat LLC for proposed Aldi Food Market located at Block 114, Lot 14.05 also known as 10 Barnegat Blvd

Resolution 2026-133

Resolution granting final Water System Facilities approval to the New Jersey Institute for Disabilities located at 488 North Main Street, Block 210 Lot 20.10

Resolution 2026-134

Resolution authorizing the Township to Implement the new Cash Payment rounding policy for "Pennies".

Resolution 2026-135

Resolution authorizing the separation of Jennifer McCorry as a Temporary Part-time, on call Purchasing coordinator for the Finance Office, effective February 28, 2026.

Resolution 2026-136

Resolution authorizing the purchase of 32 Yard Rear Loader, Mobile Refuse Collection Vehicle through Sourcewell Co-Op, Contract #110223-LEG for an amount not to exceed \$331,195.68 for the Public Works Department

Resolution 2026-137

Resolution authorizing the Township to adopt a Fourth Round Affordable Housing marketing plan.

Motion to Adopt Consent Agenda:

Second:

Roll Call:

Committeeman Cirulli:

Committeeman Marte:

Committeeman Townsend

Deputy Mayor Rubenstein:

Mayor Pipi:

Resolution 2026-138

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 Cirulli:

Committeeman Marte:

Committeeman Townsend

Deputy Mayor Rubenstein:

Mayor Pipi:

Motion to Adjourn:

Second:

Time: _____

**Next Township Committee meeting,
April 7, 2026 @ 10:00 AM**

ORDINANCE 2026- 3

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

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

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

WHEREAS, the Barnegat Township Committee of the Township of Barnegat in the County of Ocean finds it advisable and necessary to increase its CY 2026 budget by up to 3.5% over the previous years final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Barnegat Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$443,316 in excess of the 2% increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

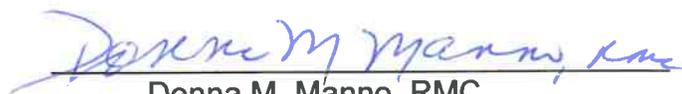
NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Barnegat in the County of Ocean, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the Township of Barnegat shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased to 3.5% amounting to \$1,034,404 and that the CY 2026 municipal budget for the Township of Barnegat be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon; be filed with said Director within 5 days after such adoption.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced on first reading at a special meeting of the Barnegat Township Committee held on **the 3rd day of February, 2026**, and will be considered for second reading and final adoption at a regular meeting of said Committee to be held on **the 3rd day of March, 2026, at 6:30 PM** at 900 West Bay Avenue, Barnegat, New Jersey at which time and place any person wishing to be heard on the subject shall be given an opportunity to be so heard.



Donna M. Manno, RMC
Municipal Clerk

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance namely, **Ordinance 2026-3** entitled An Ordinance to exceed the Municipal Budget Appropriation Limits and establish a Cap Bank in accordance with N.J.S.A. 40A:4-45.14 was introduced and passed on the **3rd day of February 2026**, and finally adopted after Public Hearing at a regular meeting held on the **3rd day of March, 2026 at 6:30 PM** in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ and will take effect 20 days after publication in the Township newspaper.

Donna Manno, RMC
Municipal Clerk

ORDINANCE NO. 2026-4

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF BLOCK 223, LOT 2 (69 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 223, Lot 2 otherwise known as 69 Bay View Boulevard in the Township of Barnegat (the “Property”); and

WHEREAS, the Property is located the RMF Zone; and

WHEREAS, the Property is an undersized, nonbuildable pursuant to the requirements of the RMF 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 3rd day of February 2026 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 223, Lot 2, otherwise known as 69 Bay View Boulevard, Barnegat, New Jersey (the “Property”), that is located in the RMF 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 associated 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 for 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.

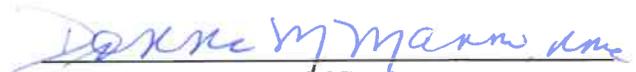
SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent

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 3rd day of February, 2026**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **3rd day of March, 2026, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



Donna M. Manno, RMC
Municipal Clerk

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing ordinance, namely **Ordinance 2026-4** entitled "Authorizing the sale of Block 223, Lot 2, 69 Bayview Blvd was introduced and passed on first reading at a meeting held on the **3rd day of February 2026**, and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the **3rd day of March 2026 at 6:30 PM** at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

Donna Manno, RMC
Municipal Clerk

DASTI & STAIGER
ATTORNEYS AT LAW

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

ORDINANCE NO. 2026-5

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY REPEALING AND REPLACING
CHAPTER 55-350 THROUGH CHAPTER 55-359 OF
THE TOWNSHIP CODE ENTITLED AFFORDABLE
HOUSING REQUIREMENTS**

WHEREAS, the New Jersey Legislature passed into law amendments to the Affordable Housing Act and pursuant thereto municipalities were required to decide whether to adopt the Department of Community Affairs Fourth Round Affordable Housing Fair Share Obligations by January 31, 2025; and

WHEREAS, the Township adopted Resolution 2025-52 on January 1, 2025, and pursuant to the Affordable Housing law filed a Declaratory Judgment action in the Superior Court of New Jersey, Law Division, Ocean County Civil Part under Docket No. OCN-L-19-25; and

WHEREAS, pursuant to the Affordable Housing law, municipalities are required to adopt their Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, the Barnegat Township Planning Board adopted Resolution P-2025-14 on June 24, 2025 which adopted the Housing Element and Fair Share Plan for the Fourth Round prepared by CME Associates dated June 11, 2025; and

WHEREAS, on July 1, 2025, the Township Committee adopted Resolution 2025-245 endorsing the Planning Board's adoption of the Affordable Housing Element and Fair Share Plan; and

WHEREAS, pursuant to the affordable housing law, municipalities were required to adopt amendments to their affordable housing ordinances before March 15, 2026; and

WHEREAS, it is the intent of the Township Committee of the Township of Barnegat to repeal and replace Article XXII of Chapter 55 of the Township Code entitled “Affordable Housing Requirements” which is inclusive of Sections 55-350 through 55-359 with the following:

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

SECTION 1.

ARTICLE XXII of the Township Code entitled “Affordable Housing Requirements which is inclusive of Chapter 55-350 through Chapter 55-359 is hereby repealed and replaced with the following:

SECTION 2.

Chapter 55 Land Use

ARTICLE XXII AFFORDABLE HOUSING REQUIREMENTS

§ 55-350.

A. Introduction & Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in Barnegat Township consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit

financed developments shall adhere to the provisions set forth below in item 5.c. below.

3. The Barnegat Township Planning Board has adopted a Housing Element and Fair Share Plan (“HEFSP”) pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
 - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
 - b. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
 - c. Projects receiving Federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.
6. The provisions of the Mount Laurel Doctrine; the FHA, the regulations promulgated thereto by the New Jersey Department of Community Affairs, LPS, UHAC rules set forth at N.J.A.C. 5:80-26.1 et seq., and the Township’s Fourth Round Housing Element and Fair Share Plan shall supersede and take precedence over the provisions of this Chapter.

7. Reservation of Rights

- a. The Township reserves the right at any time to add to, remove from, or modify any provision of this Chapter provided that such revision is not inconsistent with the Mount Laurel Doctrine, the FHA, the regulations promulgated thereto by the New Jersey Department of Community Affairs, LPS, UHAC rules set forth at N.J.A.C. 5:80-26.1 et seq., and the Township’s Fourth Round Housing Element and Fair Share Plan.

B. Definitions

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low- low- and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. ~~Payments in lieu of construction were invalidated per P.L. 2024, c.2.~~

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Non-lapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder's remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Department” means the New Jersey Department of Community Affairs.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of 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 may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and

54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder's remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

“Household income” means a household's gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality's master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality's fair share of its region's present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each

entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development. The

statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation

are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L.2024, c. 2 (C.52:27D-313.2).

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to

transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

“Rehabilitation” means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and

independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project’s Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans' preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

C. Monitoring and Reporting Requirements

1. The Township shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
 - a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L. 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
 - b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
 - c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

D. New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of “New Construction,” this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy	Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy
25+1	10
50	50

75	75
90	100

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
 - a. Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
 - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources

as market-rate units of the same unit type. This shall apply to prior round units.

- vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
 - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
 - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the

same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

- vii. Each bedroom in each restricted unit must have at least one window; and
- viii. Restricted units must include adequate air conditioning and heating.

4. Utilities.

- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
- b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).

5. Low/moderate split and bedroom distribution.

- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.
- c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
- d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down (or rounded up to the nearest whole number), of the total number of low- and moderate-income units.
 - iv. At least 30% of all low- and moderate-income units, rounded up (or down to the nearest whole number) shall be two-bedroom units.

- v. At least 20% of all low- and moderate-income units, rounded up (or down to the nearest whole number) shall be three-bedroom units.
 - vi. The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.
6. Accessibility requirements.
- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
 - b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
 - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
 - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and

- vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - b) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

E. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.” The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the

cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.

2. All affordable housing programs and compliance mechanisms are identified in the Township's adopted and approved HEFSP, as may be amended
3. Accessory Apartment program (per N.J.A.C. 5:93-5.9 as may be updated per various sections in N.J.A.C. 5:97-6.8).
 - a. An accessory apartment program shall provide low- and moderate-income units or may be limited to only low- or only moderate-income units .
 - b. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.
 - c. Rents of accessory apartments shall be established using the same methodology of affordable rental units discussed herein.
 - d. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.
 - e. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.
 - f. Per N.J.A.C. 5:97-6.8(b)2, the municipality shall provide a minimum of \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
4. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
 - a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 - b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.

- d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
- e. Low- and moderate-income residents cannot be charged any upfront fees.
- f. The units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
- g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

5. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).

- a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - i. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - ii. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - iii. Occupancy shall not be restricted to youth under 18 years of age.
 - iv. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
 - v. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified

individuals with special needs in accordance with a plan approved by the sponsoring program;

- b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- vi. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- vii. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- viii. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - a) An Affirmative Marketing Plan in accordance with D1 above; and
 - b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
- ix. The sponsor/owner shall complete annual monitoring as directed by the MHL.

F. Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

G. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - i. A studio or efficiency unit shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly

housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.

11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

H. Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 4 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b. There shall be a regional preference for all households that live and/or work in Housing Region 4 comprising Mercer, Monmouth, and Ocean Counties.

- c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
 5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
 6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
 7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
 8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
 10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

I. Selection of Occupants of Affordable Housing Units.

- i. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.

- ii. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

J. Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b. Provide a bedroom for every two adult occupants;
 - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - d. Avoid placing a one-person household into a unit with more than one bedroom.

K. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
 - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or

- b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

L. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
 - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3

- c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - i. those that render the unit suitable for a larger household or the addition of a bathroom.
 - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

M. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross

household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.

2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;

- b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
- c. The household is currently in substandard or overcrowded living conditions;
- d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

N. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

O. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.

5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit;
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

P. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

Q. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

- c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

R. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - b. The oversight of the Affirmative Marketing Plan and affordability controls.
 - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 - h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.

- i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
- j. Listing on the municipal website contact information for the MHL and Administrative Agents.

S. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
 - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues,

mortgage qualification, rental lease requirements; and landlord/tenant law.

c. Household certification.

- i. Soliciting, scheduling, conducting and following up on interviews with interested households.
- ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
- iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
- v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
- vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.

d. Affordability controls.

- i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
- ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
- iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
- iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.

e. Records retention.

- i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with

restrictions, recorded recapture mortgage, and note, as appropriate.

- ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.

f. Resales and re-rentals.

- i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
- ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.

g. Processing requests from unit owners.

- i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
- ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
- iii. Notifying the municipality of an owner's intent to sell a restricted unit.
- iv. Making determinations on requests by owners of restricted units for hardship waivers.

h. Enforcement.

- i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a

household duly certified to the unit by the Administrative Agent;

- iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

T. Responsibilities of the Owner of a development containing affordable units.

1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b. The total number of units in the project and the number of affordable units.
 - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - e. A projected construction schedule.
 - f. The location of any common areas and elevators.

U. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$1,250.00 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity

or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

- a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage

and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.

- e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
 - f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in

the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

8. Appeals

a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

V. Development Fees.

1. Purpose

a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

2. Basic Requirements

a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.

b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

3. Residential Development Fees

a. Imposed fees

i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

- ii. When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b. Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
- ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more

intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

- iv. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.
- v. Developers of inclusionary developments, low-and moderate-income dwelling units, and in accordance with N.J.S.A. 40:55D-8 any charitable, philanthropic, fraternal, or religious organization holding tax exempt status under the Federal Internal Revenue Code of 1954 shall be exempt from paying a development fee.

4. Non-Residential Development Fees

a. Imposition of fees

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b. Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.

- ii. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
- d. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- e. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

5. Collection Procedures

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.

- d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- h. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

6. Appeal of development fees

- a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- b. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such

determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing Trust Fund

- a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
 - ii. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 - iii. Rental income from municipally operated units;
 - iv. Repayments from affordable housing program loans;
 - v. Recapture funds;
 - vi. Proceeds from the sale of affordable units; and
 - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
 - i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;

- iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - vi. Revocation of compliance certification or a judgment of compliance and repose;
 - vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
 - viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- e. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

8. Use of Funds

- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
- b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units

included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.

- i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
 - ii. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
- d. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

9. Monitoring

- a. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of

revenues and implementation of the Spending Plan approved by the Court.

10. Ongoing Collection of Fees

- a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- b. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

11. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

§55-351	Reserved
§55-352	Reserved
§55-353	Reserved
§55-354	Reserved
§55-355	Reserved
§55-356	Reserved
§55-357	Reserved
§55-358	Reserved
§55-359	Reserved

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

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of

competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 3rd day of February, **2026**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 3rd day of March, **2026**, at 6:30 PM. at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


DONNA M. MANNO, RMC
Municipal Clerk

CERTIFICATION

I, Donna Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing ordinance, namely **Ordinance 2026-5** entitled "Repealing and Replacing Chapter 55-350 through Chapter 55-359 of the Township Code, Entitled " Affordable Housing Requirements" was introduced and passed on first reading at a meeting held on the **3rd day of February 2026**, and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the **3rd day of March 2026 at 6:30 PM** at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

Donna Manno, RMC
Municipal Clerk

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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Brigit P. Zahler*
William J. Oxley
Damian B. Majewski
Brandon E. DeJesus
Kenneth E. Bozarth
Brandon S. Straight

*Also admitted in NY

File No.: GL-3773

January 29, 2026

Via Email

Joshua D. Bauers, Esq.
Fair Share Housing Center
510 Park Blvd.
Cherry Hill, NJ 08002

RE: Ordinance Repealing and Replacing Chapter 55-350 through 55-359 of the
Township Code Entitled “Affordable Housing Requirements”

Dear Josh:

Attached is Barnegat Township’s Affordable Housing Ordinance. We have taken the model ordinance that was prepared and removed some of the optional language while also correcting the format.

This is being introduced on February 3, 2026. If you have any questions or need further information, please contact me.

Very truly yours,

s/Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Mayor Pasquale “Pat” Pipi-via email
Martin Lisella, Township Administrator-via email
Donna M. Manno, Township Clerk-via email
Christopher Dochney, Affordable Housing Planner-via email
Jason Worth, P.E.-via email
Kurt J. Otto, P.E., Township Engineer-via email
Stacey Cole, Planning Board Secretary-via email

DASTI & STAIGER

Christopher J. Dasti
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Damian B. Majewski
Brandon E. DeJesus
Kenneth E. Bozarth
Brandon S. Straight

*Also admitted in NY

File No. GL-3317

February 17, 2026

Via Email

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

RE: Ordinance Repealing and Replacing Chapter 55-350 through Chapter 55-359 of
the Township Code Entitled "Affordable Housing Requirements"

Dear Donna:

Attached is a slightly revised Affordable Housing Ordinance. The only changes are highlighted in red in the ordinance for Section A there are new subsections 6 and 7. They are both extremely minor and will not require reintroduction. I can just explain the revisions on second reading.

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: Martin Lisella, Township Administrator-via email
Kurt J. Otto, P.E., Township Engineer-via email
Jason Worth, P.E., T&M Associates-via email
Christopher Dochney, PP, AICP-via email

2026-101

BILL LIST FOR MARCH 2026

\$9,424,685.80

RESOLUTION 2026 – 102

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY SELF-EXAMINATION OF BUDGET RESOLUTION (as required by DCA)

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Barnegat has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2026 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Barnegat that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

**TOWNSHIP OF BARNEGAT
OCEAN COUNTY, NEW JERSEY**

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: 3/3/26

By: 
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

CERTIFICATION

I, Donna 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 a meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat, NJ on the 3RD day of March, 2026.

Donna M. Manno, RMC
Municipal Clerk

2026-103

2026 INTRODUCED BUDGET \$37,259,260.59.

FOUND ON WEBSITE UNDER "FINANCE"

ORDINANCE NO. 2026-6

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 52 OF THE TOWNSHIP CODE
ENTITLED "CANVASSERS, SOLICITORS AND
MOBILE VENDORS" AND SPECIFICALLY
ADDING ARTICLE III, ENTITLED
"DO NOT KNOCK REGISTRY"**

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 52 of the Township Code entitled "Canvassers, Solicitors and Mobile Vendors" is hereby amended to include new Section, Article III, entitled "Do Not Knock Registry" to read as follows:

SECTION 1. It is hereby established Article III of Chapter 52 which shall be entitled "Do Not Knock Registry" and shall read as follows:

ARTICLE III DO NOT KNOCK REGISTRY

§52-24 Establishment & Registration.

- A. The Township hereby establishes a Registry for Resident to submit their address as a "No Knock Address" to solicitors.
- B. The Township Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that canvassing, peddling, itinerant vending and door-to-door sales enterprising are not permitted on the premises (hereinafter referred to as the "do-not-knock registry"). Notification shall be by completion of a form available at the Township Clerk's office during normal business hours. The list shall be updated on January 1 and July 1 of each year.
- C. The Township Clerk shall submit the do-not-knock registry to the Chief of Police biannually to be distributed to applicants for a license to solicit, peddle, canvass, itinerant vend or otherwise door-to-door sell pursuant to the provisions of this article. The licensee shall not peddle, solicit, canvas, itinerant vend or conduct door-to-door sales at any premises identified on the then-current do-not-knock registry.

- D. Any owner and/or occupant who has requested enlistment on the do-not-knock registry, shall be able to purchase a sticker from the Clerk's office, for a one-time fee of \$25.00 to display at his/her/its premises indicating enlistment on the do-not-knock registry.

§52-25 Violations and Penalties.

- A. Any canvasser, solicitor, itinerant vendor or owner or employee of a door-to-door sales enterprise who violates any provision of this section shall be subject to the following:
- (1) Maximum ordinance violation fine of \$1,250 per offense;
 - (2) One-year revocation of any license issued pursuant to the within chapter; and
 - (3) Ineligible to receive a new license, pursuant to the within article, for a period of one year, coinciding with the terms of one-year revocation noted in Subsection A(2) of this section.

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

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **3rd day of March, 2026**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **7th day of April, 2026, at 10:00 AM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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Damian B. Majewski
Brandon E. DeJesus
Kenneth E. Bozarth
Brandon S. Straight

*Also admitted in NY

File No.: GL-3773

February 6, 2026

Via Email

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

RE: Ordinance Amending and Supplementing Chapter 52 of the Township Code
Entitled "Canvassers, Solicitors and Mobile Vendors"

Dear Donna:

Attached is a proposed ordinance which revises Chapter 52 of the Township Code to include a provision regarding a no-knock ordinance. Please review the attached and let me know if you have any questions.

Essentially, the Township can create a no-knock ordinance where residents who sign up will get a decal issued through your office.

If there are violations of the ordinance, then they are subject to a fine of \$1,250 and one-year revocation of their license. I am copying Chief Carroll as well so he can review same as the Department will be entrusted with enforcing it.

I have also revised the general penalty provision under Section 52-9 and increased that general fee to \$1,250 so that it is consistent with a violation of the no-knock provision.

Very truly yours,

s/Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

cc: Mayor Pasquale "Pat" Pipi-via email
Martin Lisella, Township Administrator-via email
Jason D. Carroll, Chief of Police-via email

ORDINANCE NO. 2026-7

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 65-1 OF THE TOWNSHIP CODE
ENTITLED "DUTY OF OWNER TO REMOVE"**

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 65 of the Township Code entitled "Snow and Ice Removal" and specifically Section 65-1 thereof entitled "Duty of owner to remove" is hereby amended and supplemented to read as follows:

SECTION 1.

Chapter 65 entitled "Snow and Ice Removal" and specifically Section 65-1 entitled "Duty of owner to remove" shall be amended and supplemented as follows:

§65-1. Duty of owner to remove. The owner or owners, tenant or tenants of land abutting or bordering upon sidewalks of the public streets, avenues and highways, where sidewalks exist and are so used in the Township of Barnegat, shall remove or cause to be removed from the sidewalks in front of or bordering on their lands all snow and ice withing twelve (12) hours of daylight after the snow or ice shall be formed or fall thereon. If snow or ice cannot be removed, it shall be covered with sand, ashes or other material to prevent persons from slipping. The said sidewalks shall be cleared to a minimum width of twenty-four (24) inches). **With respect to sidewalks located in private common-interest communities, such as retirement communities, provided such homeowners' association the entity has regulations related to the removal of snow on sidewalks, the property owner shall be required to comply with those regulations.**

§65-2. Failure to remove. Unchanged.

§65.3. Violations and penalties. Unchanged.

§65.4. (Reserved). Unchanged.

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

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **3rd day of March, 2026**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **7th day of April, 2026, 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

RESOLUTION 2026-104

**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 114.26 Lot 59; 110 Lexington Blvd

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 scheduled meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat New Jersey on March 3, 2026.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-105

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 113.07 Lot 40, address 115 Edenton Dr. in the amount of \$2,468.28

WHEREAS, we had already received a payment on said parcel for 4th Quarter 2025 which resulted in an overpayment and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Elizabeth Agyekum
115 Edenton Dr
Barnegat NJ 08005

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,468.28 to Elizabeth Agyekum and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-106

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

WHEREAS, a payment has been received by the Tax/Utility Office, for the parcel known as Block 252 Lot 3, address 650 East Bay Ave, in the amount of \$200.00, for the 1st quarter 2026 Water/Sewer bill in error and,

WHEREAS, the bill was already paid creating an overpayment

WHEREAS, a request for a refund of the overpayment made 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 account to,

Dawn Pawliski
650 East Bay Ave
Barnegat, NJ 08005

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$200.00 to said homeowner 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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-107

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 92.83 Lot 27, address 26 Avalon Ave, the tax account now has a credit of \$2,262.16; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,262.16 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-108

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 116.33 Lot 1, address 167 Pennsylvania Ave, the tax account now has a credit of \$2,168.12; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,168.12 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-109

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 114.08 Lot 13, address 30 Barnegat Blvd, the tax account now has a credit of \$1,216.18; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,216.18 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-110

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 90.49 Lot 11, address 7 Celestial Ct, the tax account now has a credit of \$2,010.89; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,010.89 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-111

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 115.09 Lot 18, address 167 Sandpiper Rd, the tax account now has a credit of \$1,432.76; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,432.76 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-112

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 144.07 Lot 17, address 257 Hawthorne Lane, the tax account now has a credit of \$1,653.96; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,653.96 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-113

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 116.26 Lot 5, address 9 Aspen Cir, the tax account now has a credit of \$1,129.92; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,129.92 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-114

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 208.03 Lot 166, address 209 Rahway Rd, the tax account now has a credit of \$2,558.05; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,558.05 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-115

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 95.28 Lot 18, address 10 Lakeland Dr, the tax account now has a credit of \$1,676.32; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,676.32 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-116

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 116.05 Lot 25, address 2 Quartz Terr, the tax account now has a credit of \$2,069.47; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,069.47 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-117

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 95.36 Lot 18, address 10 Swimming River Ct, the tax account now has a credit of \$926.45; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$926.45 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-118

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 92.87 Lot 29, address 55 Nautilus Dr, the tax account now has a credit of \$2,529.61; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,529.61 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-119

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 114.25 Lot 33, address 10 Sextant Dr, the tax account now has a credit of \$1,190.74; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,190.74 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-120

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 116.19 Lot 42, address 10 Glen Ct, the tax account now has a credit of \$1,890.65; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,890.65 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-121

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 114.70 Lot 11, address 15 Tedesco Way, the tax account now has a credit of \$2,080.96; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,080.96 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-122

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

WHEREAS, a payment has been received by the Tax Office, for the parcel known as Block 92.50 Lot 19, address 16 Cape Cod Ave, the tax account now has a credit of \$2,391.64; and

WHEREAS, the homeowner is a Totally Disabled Veteran and is the owner, therefore the property is Tax Exempt which resulted in an overpayment; and

WHEREAS, a request for a refund of the overpayment has been made,

THEREFORE BE IT RESOLVED, that the Collector be directed to refund the overpayment on the tax account to; and

Core Logic
3001 Hackberry Dr
Irving TX 75063

BE IT FURTHER RESOLVED, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,391.64 to Core Logic, and the Collector to adjust the tax records.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-123

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,
STATE OF NEW JERSEY CREATING JOB DESCRIPTION,
LOBBY RECEPTIONIST AND IS PART OF THE CLERK'S DEPARTMENT**

BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the attached job description for Lobby Receptionist is hereby adopted into the existing Barnegat Township Job Description for "Lobby Receptionist". This position is part of the office and duties of the Clerks Department.

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 3rd day of March, 2026, in the Municipal Complex, 900 W. Bay Avenue Barnegat NJ 08005

Donna M. Manno, RMC
Municipal Clerk

JOB DESCRIPTION

TITLE: Lobby Receptionist

DEPARTMENT: Clerks Office

STATUS: Full Time () Part Time ()

DATE: January 1, 2025

DESCRIPTION OF DUTIES:

Provides initial contact for customers and visitors to Town Hall. Greets and provides customer service and clerical support for the Township of Barnegat through the central reception functions including, but not limited to, telephone and reception duties, handling mail and email, assisting visitors and providing information regarding multiple township departments or functions, and other general information to the public, in person, by telephone, letter or email. Performs administrative support to the Clerk's office. This position reports directly to and receives work assignments from the Clerk's office. Complete tasks in compliance with established policies and procedures.

RESPONSIBILITIES:

- Performs the tasks associated with Clerks Office responsibilities as Clerk/Typist.
- Greets the public and provides information pertaining to Town services and programs and acts as primary customer service contact. Actively seeks to match customer needs quickly and cheerfully with appropriate Towns programs, services, and staff.
- Performs basic clerical tasks such as answering telephones, responding to emails, routing messages, opening, and routing incoming mail and packages. May assist with other clerical work as assigned.
- Assists citizens with basic applications and forms.
- Maintains a proven record of excellent punctuality and attendance.
- Performs other related work of a similar nature and level.
- Other duties as assigned.

WORK ACTIVITIES, SKILLS, KNOWLEDGE, AND ABILITIES:

- General knowledge of office practices and procedures as well as automated office systems including telephones, email, digital calendars, and other office equipment.
- Broad knowledge of general Township information, sufficient to direct customers to needed services.
- Use of standard computer software programs such as Word, spreadsheet, and email software.

- Strong written communication skills including knowledge of business English, composition and formatting of meeting minutes and correspondence.
- Diffusing difficult situations with angry or hostile citizens
- Communicate effectively and interact with other employees and the public using tact, courtesy, and good judgment.
- Use appropriate judgement in interactions with challenging or angry individuals.
- Multi-task and work with high degree of accuracy and attention to detail in an environment of frequent interruptions.
- Work independently, stay on task and adhere to identified priorities.
- Understand and execute verbal and written instructions, policies, and procedures.
- Maintain consistent and punctual attendance.
- Ability and willingness to demonstrate the Public Service Competencies of Service Orientation, Results Orientation, and Teamwork and Cooperation.
- Physical ability to perform the essential functions of the job, including:
 - Frequently remain stationary for long periods of time.
 - Frequently operate a computer and other office machinery such as a keyboard, mouse, phone, fax machine and copiers.
 - Frequently communicate accurate information and ideas with others.
 - Respond quickly in a noisy fast-paced environment.

WORKING ENVIRONMENT:

Work is performed in a central lobby setting in an open concept clerical station with the majority of the time spent at a computer workstation. Working conditions include noise, frequent interruptions, and other distractions.

EDUCATION REQUIREMENTS:

- High School Diploma or GED
- Required to possess a valid New Jersey driver's license.

EXPERIENCE:

- Preferably general office experience dealing with the public, sometimes in difficult or stressful situations.

PHYSICAL DEMANDS:

- Ability to meet minimal physical tasks.
- Ability to bend, twist, lift, reach, carry and crouch in order to accomplish tasks.
- Ability to communicate with other employees in order to give direction and complete tasks.

SUPERVISION:

- Administrator
- Municipal Clerk
- Municipal Deputy Clerk

RESOLUTION NO. 2026-124

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
RE-APPOINTING BENJAMIN H. MABIE, III,
AS MUNICIPAL COURT JUDGE
FOR THE TOWNSHIP OF BARNEGAT**

WHEREAS, pursuant to N.J.S.A. 2B:12-1 et seq., a municipality may appoint a municipal court judge; and

WHEREAS, the appointment of a Municipal Court Judge is a professional service, and therefore exempt from the strict bidding requirements of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq; and

WHEREAS, the Township feels that Benjamin H. Mabie, III, has exhibited professionalism and competence in his capacity as Municipal Court Judge for the Township of Barnegat and the Township Committee is desirous and pleased to re-appoint a new three-year term, effective April 1, 2026; and

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of March 2026, 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 re-appoints Benjamin H. Mabie, III, Esq., as Municipal Court Judge for the Township of Barnegat for a three-year term commencing April 1, 2026, and ending March 31, 2029, at an annual salary of \$60,000.00.
2. The Mayor, Township Clerk, and Township Administrator are hereby authorized to execute all documents to implement the intent of this resolution.
3. Appropriate notification of this professional appointment shall be published appropriately within 10 days by the Municipal Clerk.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey hereby certify that the foregoing resolution was duly adopted by the Township Committee of said Township at their regular meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 3rd day of March, 2026

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026 - 125

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,
STATE OF NEW JERSEY AUTHORIZING CONDO SERVICES
REIMBURSEMENTS**

WHEREAS, the Township of Barnegat has previously agreed by Resolution to reimburse certain Condominium Associations for Street Lighting, Sanitation and Snow Plowing; and

WHEREAS, the Chief Financial officer is directed to make payment annually;
now

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Chief Financial Officer is hereby directed to reimburse the below listed Associations in the amounts listed for the 2025 year as follows:

Barnegat on the Bay	\$ 6,370.00
Bayside at Barnegat	\$ 2,392.00
Morning Harbor	\$ 4,204.00
Morning Shores	\$ 3,046.00
Spinnaker Run Condos Assoc.	\$ 2,314.00
Coastal Woods	\$13,330.00

CERTIFICATION

I, Donna 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 3rd day of March, 2026 in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005.

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-126

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING REIMBURSEMENT TO HOMEOWNERS FOR MAILBOX THAT WAS DAMAGED BY A TOWNSHIP VEHICLE DURING SNOWSTORM OF JANUARY 25, 2026

BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Finance Office is hereby directed to issue a check in the amount of \$75.00 for the replacement/repair of mailboxes that were damaged by a Township Vehicle during the snowstorm of January 25, 2026

<u>Name</u>	<u>Address</u>	<u>Name</u>	<u>Address</u>
Phyllis McGraw	17 Garden Path	Kenneth Dawe	24 Spruce Cir.S
Kim Mooney	54 Portland St.	Robert Bleicher	45 Hatteras Way
Joann Betancourt	66 Ravenwood Blvd.	Isabel Saxer-Dasti	19 Spruce Circle S.
Alfred Petrillo	46 Twilight Dr.		
Robert Sawicki	18 Teakwood Ln.		
Mark Lorincz	61 Black Bear Dr.		
Carmine Sgueglia	19 Raccoon Ln.		
Marueen Mastropierro	36B Mutineer Ave.		
Linda Michel	50 Twilight Dr.		
Peter Eschmann	44 Hatteras Way		
Carmen Giunta	40 Twilight Dr.		

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their regular meeting held on the 3rd day of March 2026 in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005

Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-127

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE OCEAN COUNTY PROSECUTORS' OFFICE FOR THE PARTICIPATION IN A REGIONALIZED SWAT AND CRISIS NEGOTIATION TEAM

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65 et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Township of Barnegat wishes to enter into a shared services agreement with the Ocean County Prosecutors Office for the participation in a Regionalized SWAT and Crisis Negotiation Team; and

WHEREAS, the SWAT and Crisis Negotiation Team will consist of members from Participating Agencies under the command of the Ocean County Prosecutor.

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

1. The Mayor and Clerk of the Township of Barnegat are hereby authorized and directed to enter into and execute a Shared Services Agreement with the Ocean County Prosecutors Office for the participation in a regionalized SWAT and Crisis Negotiation team.
2. A copy of that agreement is on file and available for public inspection at the Township Clerk's Office.
3. This resolution shall take effect immediately upon passage.

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat, NJ 08005 on March 3, 2026.

Donna M. Manno, RMC
Municipal Clerk

BRADLEY D. BILLHIMER
Ocean County Prosecutor

CASEY M. LONG
Chief of Detectives



MICHAEL T. NOLAN, JR.
First Assistant Prosecutor

MICHAEL WEATHERSTONE
Deputy First Assistant Prosecutor

OFFICE OF THE PROSECUTOR

119 Hooper Avenue
P.O. Box 2191
Toms River, New Jersey 08754-2191
732-929-2027
www.OCPONJ.gov

January 30, 2026

RE: SWAT Shared Service Agreements

To Who It May Concern;

Prosecutor Bradley Billhimier recognizes the need to extend services in the form of a Regionalized SWAT and Crisis Negotiation Team with related services and resources to Participating Agencies when assistance is requested. Attached you will find 3 copies of the Shared Service Agreements.

As such, **please execute and seal the 3 copies of the Shared Services Agreement along with an original copy of your municipality's adopting resolution also originally signed and sealed and please mail it back to Taylor Kaniuk.** Once we have a copy of the fully executed written agreement, we will return a copy for your records. A copy of the fully executed written agreement will also be kept on file with the Clerk of the Board in Ocean County.

If you have any questions in this matter, please feel free to contact Lt. Brad Frank at 732-929-2027, extension 3689. Thank you for your assistance in this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael M. Abatemarco", is written over a horizontal line.

MICHAEL M. ABATEMARCO
Chief Assistant Prosecutor

**REGIONAL SWAT TEAM
OF
OCEAN COUNTY
SHARED SERVICES AGREEMENT**

This Agreement is made the _____ day of _____, 2026 between the Ocean County Prosecutor's Office, whose address is 119 Hooper Ave, Toms River, New Jersey, hereinafter referred to as the Lead Agency and the _____ (Municipal/County Agency), hereinafter called the Participating Agency, whose address is _____.

The Ocean County Prosecutor's Office functions as the Chief Law Enforcement agency for the County of Ocean. The Ocean County Prosecutor recognizes the need for the purpose of receiving and extending services in the form of a Regionalized SWAT and Crisis Negotiation Team with related services and resources extended to each Participating Agency when such assistance is requested. The Ocean County Regional SWAT team will consist of members from the Participating Agencies under the command of the Ocean County Prosecutor.

SECTION I

AUTHORITY

This Shared Services Agreement is effective as of the date of signature by the chief executive law enforcement officer of each Participating Agency. It shall continue in full force and effect until all involved parties in accordance with the procedures cited previously cancel it. The designated representatives identified in Addendum A, represents that he/she is authorized by his/her jurisdiction or Participating Agency to enter into this agreement on behalf of the Participating Agency.

SECTION II

PROVISIONS FOR OPERATIONS ASSISTANCE

The Participating Agencies hereby approve and enter into this Shared Services Agreement

whereby each Participating Agency represented may request Ocean County Regional SWAT Team assistance for all critical incidents or events including but not limited to large scale extra ordinary events, prolonged operations, any operation with expansive dynamics, or when the event being covered exceeds the capabilities of the responding Platoon or Squad based on the size or duration of the event.

Each Participating Agency agrees to furnish to any other Participating Agency such police manpower and/or equipment as is requested. The Participating Agency of which a request for assistance has been made will respond to the extent that such manpower is available, always bearing in mind that their first concern must be with the safety and security of their home jurisdiction.

The execution of this agreement by any Participating Agency shall not give rise to any liability or responsibility for failure to respond to any request for assistance made pursuant to this agreement.

There will be no charge to any Participating Agency entering into this contract for services rendered by any other municipality under the provisions of this agreement.

There shall be no reimbursement for loss or damage to equipment, nor any reimbursement for any indemnity award or premium contribution assessed against the employing municipality for Worker's Compensation benefits arising due to injury or death to a member of the police department of said municipality while engaged in rendering services under this agreement.

All parties agree to hold harmless each party of this agreement in the event of liability for bodily injury, including wrongful death and/or property damage, caused by negligence or intentional acts of any of the parties, their agents, officers, employees, or any other persons acting on their behalf as a result of requesting aid or responding to such a members request made pursuant to the provisions of this agreement.

That this agreement shall remain in effect for any active swat operators from a participating agency who decides to terminate his/her active membership give a ninety (90) day written

notice indicating its intention to terminate same. The ninety (90) day period shall begin with receipt of the notice by the Ocean County Prosecutor's Office SWAT Coordinator of the Ocean County Regional SWAT Team.

SECTION III

REQUEST FOR ASSISTANCE

In the event that a Participating Agency of this Shared Service Agreement is in need of assistance as set forth above, such party shall notify the Regional SWAT Team Commander or his/her designee from whom assistance is requested. The designated representative whose assistance is sought shall evaluate the situation and his/her available resources and respond in a manner he deems appropriate. If required, the requested SWAT Team or Squad may seek additional assistance through the Team Command Staff.

SECTION IV

COMMAND AND SUPERVISORY RESPONSIBILITY

The Police Chief or ranking sworn officer of the receiving services from the Ocean County Regional SWAT (Receiver Agency) will have overall command of the critical incident. The Regional SWAT Team Commander or his/her designee will have command and control of the tactics employed by the Ocean County Regional SWAT Team.

SECTION V

COMPLAINTS

Whenever there is cause to believe that a complaint has arisen as a result of a SWAT Team response as promulgated by this Shared Services Agreement, the Chief or sworn ranking officer or their designee of the Receiver Agency shall be responsible for the documentation of said complaint to determine at a minimum the following:

1. The facts of the allegation.

2. The identity of the complainant(s).
3. An address where the complaining party can be contacted.
4. The identity of the employee(s) accused.

If it is determined that the complaint concerns the actions of a SWAT Team member(s), the above information, with all pertinent documentation gathered during the receipt and processing of the allegation, shall be forwarded without delay to the Receiver Agency sworn head. The Receiver Agency will conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the members of the SWAT Team violated accepted policies or procedures and forward the findings to the Ocean County Prosecutor's Office.

SECTION VI

LIABILITY

Each Participating Agency that provides assistance pursuant to this Shared Service Agreement, agrees to assume responsibility for the acts, omissions, or conduct of each of its SWAT Team members while engaged in rendering such assistance pursuant to this Shared Service Agreement.

SECTION VII

POWERS, PRIVILEGES, IMMUNITIES AND COSTS

SWAT Team members of each Participating Agency engaging in assistance outside of their regular jurisdictional limits, under the terms of this Shared Service Agreement, shall, pursuant to the provisions of a properly executed Mutual Aid Agreement, have the same powers, duties, rights, privileges and immunities as if the SWAT Team member was performing duties inside the member's municipalities in which normally employed.

Each Participating Agency agrees to furnish the necessary equipment, resources and facilities and to render services to each Participating Agency to this Shared Service Agreement; provided however, that no Participating Agency shall be required to unreasonably deplete its own

equipment, resources, facilities, and services in furnishing such assistance.

Each Participating Agency that furnishes equipment pursuant to this Shared Service Agreement must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

The Participating Agency furnishing assistance pursuant to this Shared Service Agreement shall compensate its SWAT Team members during the time such assistance is rendered and shall assume the actual travel and maintenance expenses of its members while they are rendering such assistance, including any amounts paid or due for compensation due to personal injury or death while such SWAT Team members are engaged in rendering such assistance.

The privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits that apply to the activity of a SWAT Team member of a Participating Agency when performing the member's duties within the territorial limits of the member's Agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties outside the territorial limits of the member's Agency under the provisions of this Shared Service Agreement.

Nothing herein shall prevent the Receiver Agency from requesting supplemental appropriations from entities other than its governing political sub-division for reimbursement for itself and the assisting SWAT Team for any actual costs or expenses incurred by the assisting Participating Agency performing hereunder.

SECTION VIII CANCELLATION

Any Participating Agency may cancel their participation in this Shared Service Agreement. Within ninety (90) days of delivery of written notice of cancellation by the Participating Agency to the Ocean County SWAT Team Coordinator / Liaison, such cancellation will become effective.

SECTION IX

Exclusion of Oral Statements

This document represents the entirety of the agreements between the parties. No oral or other statements, proposals, or agreements shall be binding on the parties hereto.

ATTEST:

MUNICIPALITY

CLERK

MAYOR

ATTEST:

DEPARTMENT/OFFICE

WITNESS

MANAGING AGENCY EXECUTIVE

ATTEST:

PROSECUTOR'S OFFICE

NANCY MONROE

FRANK D. BILLHIMER
PROSECUTOR

ATTEST:

COUNTY OF OCEAN

MICHELLE I. GUNTHER
CLERK OF THE BOARD

FRANK SADEGHI
DIRECTOR

Please return enclosed **ORIGINAL** documents with all **SIGNATURES** and **MUNICIPAL SEALS & LOCAL RESOLUTIONS**

ADDENDUM A

PARTICIPATING AGENCIES

Barnegat
Bay Head
Beach Haven
Beachwood
Berkeley
Harvey Cedars
Island Heights
Lacey
Lakehurst
Lavallette
Little Egg Harbor
Long Beach
Manchester
Mantoloking
Ocean Gate
Ocean Township
Pine Beach
Plumsted
Point Pleasant Beach
Point Pleasant Borough
Seaside Heights
Seaside Park
Ship Bottom
South Toms River
Stafford
Surf City
Tuckerton

RESOLUTION NO. 2026-128

**A RESOLUTION OF THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY ADOPTING THE FOURTH ROUND
AFFODRABLE HOUSING TRUST FUND
SPENDING PLAN**

WHEREAS, the Township of Barnegat, County of Ocean, and State of New Jersey (“the Township”) in accordance with the State of New Jersey’s Affordable Housing Law, filed suite for declaratory judgment under Docket No. OCN-L-19-25 captioned In the Matter of Barnegat Township; and

WHEREAS, the Township settled its affordable housing litigation with the Fair Share Housing Center; and

WHEREAS, a Consent order was entered by the Court on January 30, 2026 resolving the matter subject to the Township’s compliance with affordable housing regulations; and

WHEREAS, as part of the regulations require the Township update and adopt its new Affordable Housing Spending Plan; and

WHEREAS, a copy of the Spending Plan is attached hereto and is on file in the office of the Township Clerk and can be viewed during normal business hours.

NOW THEREFORE BE IT RESOLVED this 3rd day of March, 2026, 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 adopts the Affordable Housing Trust Fund Fourth Round Spending Plan, a copy of which is on file in the office of the Township Clerk and can be viewed during normal business hours.

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

- (a) Pasquale Pipi, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Kurt Otto, PE, Township Engineer
- (d) Christopher Dochney, Township Affordable Housing Planner
- (e) 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 March 3, 2026, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

Barnegat Township, Ocean County
Affordable Housing Trust Fund Spending Plan
Fourth Round (2025 – 2035)

INTRODUCTION AND BACKGROUND

Barnegat Township, Ocean County has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and consistent with the affordable housing regulations set forth at N.J.A.C. 5:80-26 et seq. and N.J.A.C. 5:99 et seq., as applicable.

A development fee ordinance creating a dedicated revenue source for affordable housing has been adopted by the Township in 1997, and has been amended several times since that initial adoption, most recently in 2018 to be in compliance with Third Round affordable housing regulations at the time.

These 2026 Spending Plan amendments are intended to provide an up-to-date status of affordable housing projects and to address projects outlined in the Township’s Fourth Round Housing Element and Fair Share Plan. This updated Spending Plan is intended to demonstrate commitment of funds in the Affordable Housing Trust Fund within four years of the date of collection as required by P.L. 2008 c.46, those funds anticipated to be deposited during the Fourth Round (present through June 2035). The Spending Plan will be amended as needed to respond to affordable housing needs or opportunities that may emerge, and may also be amended if there are significant changes to anticipated revenue.

The Township’s Municipal Housing Liaison, together with the Director of Finance, have and continue to prepare annual reporting on Affordable Housing Trust Fund activity. This Spending Plan provides estimates of projected funding, proposals for expenditure in support of the Fair Share Plan and the Township’s affordable housing inventory, and provides guidance to ensure that funds are spent in accordance with the requirements of the amended Fair Housing Act. All funds deposited into the Township’s Affordable Housing Trust Fund are to be spent within 4 years of their receipt.

This plan supplements but does not replace the required annual reporting, which is available for review upon request.

As of December 31, 2025, the Township had a balance of \$445,819.81 in the Affordable Housing Trust Fund.

1. REVENUES FOR CERTIFICATION PERIOD

All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the trust fund monies are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of supporting and providing affordable housing. These funds have been and shall be spent in accordance with N.J.A.C. 5:99-2, as described in the sections that follow.

To calculate a projection of revenue anticipated through 2035, the following have been considered:

(a) Development fees.

1. Residential and non-residential construction projects that are subject to the requirements of Chapter 55 Land Use, Article XXII Affordable Housing Requirements § 55-350 GENERAL PROVISIONS, Section B. of the Township Code, (Affordable Housing Requirements) and fees for developments that have already received approval by the Barnegat Township Planning Board and/or Zoning Board;
2. Applications for residential and non-residential construction projects that are currently pending and will be heard by the Planning Board and/or Zoning Board and are likely to receive building permits and/or certificates of occupancy before 2035; and
3. Residential and non-residential construction projects that are likely to occur before 2035 based on available land, economic conditions, and historical rates of development.
4. For the purposes of this plan, estimated development fees are \$75,000 annually for the remainder of the reporting period. This is based on the average of the actual received revenue through development fees for the past four years.

(b) Payment in lieu (PIL) of on-site construction.

Payments in lieu (PIL) of construction from residential developers that have or are expected to enter into an agreement with the Township to make a specific payment to the Affordable Housing Trust Fund in lieu of providing affordable housing units onsite.

At this time, the Township is not anticipating any new payments in lieu of construction. Township policy has been to require on-site construction of affordable housing rather than accepting payments.

(c) Other funding sources.

Barnegat Township – Affordable Housing Trust Fund Spending Plan

Potential funds from other sources include the sale of units with extinguished controls, repayment of affordable housing program loans (such as rehabilitation or down payment assistance), rental income, and proceeds from the sale of affordable units.

Any such payments may be accepted, but at this time the Township is not anticipating any alternative sources of revenue for the purpose of projecting revenue through the 4th Round period.

(d) Projected interest.

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. The interest is estimated to be approximately \$5,000 per year. This represents a conservative estimate, as the actual interest collected has ranged from approximately \$4,000 to over \$10,000 in each of the past four years. The interest collected will vary depending upon the interest rate on the account, and the balance of the trust fund at the time. All interest earned on the account shall be used only for the purposes of affordable housing.

Projected Revenues 2026 -2035												
Starting Balance (12/31/2025)	\$445,819.81											
SOURCE OF FUNDS	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total	
(a) Development Fees:	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	37,500.00	712,500.00	
1. Approved Development	-	-	-	-	-	-	-	-	-	-	-	
2. Development Pending Approval	-	-	-	-	-	-	-	-	-	-	-	
3. Projected Development	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	37,500.00	712,500.00	
(b) Payments in Lieu of Construction	-	-	-	-	-	-	-	-	-	-	-	
(c) Other Funds	-	-	-	-	-	-	-	-	-	-	-	
(d) Interest on Total Account Balance	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	2,500.00	47,500.00	
Total	80,000.00	40,000.00	760,000.00									

Barnegat Township projects a total revenue of \$760,000 to be collected from January 1, 2026 through July 2035. Adding the projected revenue to the current trust fund balance of \$445,819.81 as of December 2025, results in an estimated total potential revenue of \$1,205,819.81 available to fund, support, and administer affordable housing programs.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

Barnegat Township follows the following procedures for the collection and distribution of affordable housing trust fund revenues.

(a) Collection of fees and payments:

1. Development fees shall be collected consistent with Barnegat Township’s development fee ordinance (§55-350.V) for both residential and non-residential projects in accordance with the amended Fair Housing Act at N.J.A.C. 5:99-1 et seq.
2. Payments-in-lieu shall be collected as set forth in an Agreement between the Township and the Developer. Typically, payments will be made in no more than four (4) installments as the development progresses and the entire payment shall be made prior to the issuance of the final Certificate of Occupancy.

(b) Distribution of development fee revenues:

1. The Municipal Housing Liaison, Township Planner, Administrative Agent, and Township Manager coordinate compliance and implementation of the Spending Plan as it relates to the Fair Share Plan; and coordinate recommendations for expenditure of funds in support of compliance or implementation of the Spending Plan.
2. The Township Manager authorizes staff to prepare a Resolution that includes an explanation of how the expenditure advances the Township’s affordable housing objectives, implements some aspect of the Fair Share Plan, and is consistent with the Spending Plan.
3. Township Committee reviews the request and authorizes the expenditure by resolution.
4. The Municipal Housing Liaison and the CFO maintain accounting of expenditures.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) New construction, extension of controls, and conversion programs and projects (N.J.A.C.5:99-2.3).

Barnegat Township will dedicate \$820,000 for new construction programs and projects as follows:

1. Housing Activity – Accessory Apartment Program

The Township has adopted an ordinance to require that accessory dwellings in certain areas of the Township be affordable to low and moderate income households, and the Township's Housing Plan calls for the creation of 10 accessory apartments through the program. N.J.A.C. 5:97-6.8(b)2 requires a minimum subsidy of \$25,000 for low income units and \$20,000 for moderate income units. For the purposes of calculating potential spending, the Township will use the \$25,000 per unit figure and will budget with this as a minimum average cost.

Ten affordable accessory units = \$250,000 total

2. Rehabilitation Program

The Township has a present need or rehabilitation obligation of 38 units for the Fourth Round. The Township will allocate an average of \$15,000 per unit towards rehabilitation costs for units occupied by low and moderate income households.

38 units x \$15,000 per unit = \$570,000

(b) Affordability Assistance (N.J.A.C. 5:99-2.5)

A municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, pursuant to N.J.S.A. 52:27D-329.1

Barnegat proposes to use \$100,000 to fund affordability assistance programs.

In accordance with N.J.A.C. 52:27D-329.2, the programs considered to provide affordability assistance to low- and moderate-income households may include the following:

1. Down Payment Assistance Program;
2. Security Deposit Assistance Program;

Barnegat Township – Affordable Housing Trust Fund Spending Plan

3. Low interest loans;
 4. Maintenance expenses for condominiums;
 5. Rental assistance;
 6. Any other program authorized by the Department of Community Affairs (NJDCA)
- (c) Administrative Expenses (N.J.A.C. 5:99-2.4)

Administrative expenses are subject to a twenty percent (20%) cap of all development fees collected. The table below demonstrates the maximum amount of Affordable Housing Trust Fund revenue that will be available for administrative expenses through 2035.

Administrative Expense Calculation	
Actual development fees through 12/31/2025	\$2,215,223.67
Development fees projected through 2035	+
Payments-in-lieu of construction and other deposits through 12/31/2024	+
Less RCA expenditures	-
Total	= \$2,975,223.67
Calculate 20 percent	x .20
Less administrative expenditures through 12/31/2025	=
Projected maximum available for administrative expenses 12/31/2025 through 07/31/2035	= \$59,023.00

Barnegat Township projects that \$59,023.00 will be available for administrative expenses through 2035. Projected administrative expenditures, subject to the 20 percent cap, may include the following:

1. Wait list management and general administration.
2. Administration of Down Payment Assistance Program by Administrative Agent
3. Establishment and Administration of Homeowner Association Fee Assistance Program by Administrative Agent
4. Establishment and Administration of the Very Low-Income Assistance program
5. Establishment, Implementation, Administration of Market to Affordable program

Barnegat Township – Affordable Housing Trust Fund Spending Plan

6. Fees for the sale of affordable units that are priced such that 3% of sale price is less than the Administrative Agent’s minimum fee (Township pays the difference).
7. Preparation and Review of Affordable Housing Agreements, Resolutions, Deed Restrictions for affordable housing developments.
8. Preliminary engineering analysis for affordable housing sites
9. GIS mapping and analysis related to preparation and implementation of the Fair Share Plan.
10. Litigation expenses for the review and implementation of the Fourth Round Housing Element and Fair Share Plan.

In accordance with N.J.A.C. 5:99-2.4(b) Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the municipality of resolving a challenge pursuant to the Program.

And per N.J.A.C. 5:99-2.4(c) Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division’s monitoring requirements.

The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund in accordance with N.J.A.C. 5:99-2.4(d).

(d) Emerging Compliance Mechanisms (N.J.A.C. 5:99-2.3(a)(14)-(15)

As the Township currently projects to have a surplus of funds beyond the minimum spending requirements to fund the Rehabilitation Program and the Accessory Apartment Program, Barnegat Township will give consideration to mechanisms not currently identified in the May 2025 Housing Element and Fair Share Plan as new and unforeseen opportunities to provide additional affordable housing arise in the future. This may include providing funding assistance to a new 100% affordable project that has yet to be proposed by a developer, additional rehabilitation of existing deficient housing units, development of special needs housing, revenue for a market to affordable program depending on market conditions, or reallocating additional projected revenues towards affordability assistance programs.

Up to \$226,796.81 may be available to fund any emerging mechanisms.

4. EXPENDITURE SCHEDULE

Barnegat Township intends to use affordable housing trust fund revenues for the creation and maintenance of affordable housing units, for affordability assistance, and for administration as set forth above. The Township will commit funds to specific programs as outlined above, or the plan will be amended.

Projected Expenditure Schedule 2025-2035											
Programs	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Rehabilitation Program	\$57,000.00	\$57,000.00	\$57,000.00	\$57,000.00	\$57,000.00	\$57,000.00	\$57,000.00	\$57,000.00	\$57,000.00	\$57,000.00	\$570,000.00
Housing Activity	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$250,000.00
Affordability Assistance	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$100,000.00
Administration	\$5,902.30	\$5,902.30	\$5,902.30	\$5,902.30	\$5,902.30	\$5,902.30	\$5,902.30	\$5,902.30	\$5,902.30	\$5,902.30	\$59,023.00
Emerging Mechanisms	\$22,679.68	\$22,679.68	\$22,679.68	\$22,679.68	\$22,679.68	\$22,679.68	\$22,679.68	\$22,679.68	\$22,679.68	\$22,679.68	\$226,796.81
Total	\$97,902.30	\$97,902.30	\$97,902.30	\$97,902.30	\$97,902.30	\$97,902.30	\$97,902.30	\$97,902.30	\$97,902.30	\$97,902.30	\$1,205,819.81

5. EXCESS OR SHORTFALL OF FUNDS

A shortfall of funds is not anticipated since the primary purpose of this Spending Plan is to plan for and commit the funds that have been collected and that are anticipated. The Township plans to implement the programs set forth in the DRAFT Fourth Round Fair Share Plan and the Spending Plan incrementally with the funds that are available; and will ensure that the collected funds are spent consistent with the applicable rules and regulations and in a manner that advances the Township’s affordable housing goals. The purpose of the Spending Plan is to plan for expenditure of monies in the Affordable Housing Trust Fund. N.J.A.C. 5:99-5.6(c)(1) requires that the spending plan address the “manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues are not sufficient to implement the plan”. Barnegat Township will assess the status of the AHTF and implementation of the Fair Share Plan annually.

In the event more funds than anticipated are collected and the available funds exceed the amount necessary to implement the Fair Share Plan, the excess funds may be used to expand the programs described above.

Barnegat Township – Affordable Housing Trust Fund Spending Plan

6. SUMMARY

Barnegat Township intends to spend affordable housing trust fund revenues pursuant to the N.J.A.C. 5:99-2.2 through 2.8 and consistent with the programs outlined in the Fourth Round Housing Element and Fair Share Plan dated May 2025 and this Spending Plan.

Barnegat Township had a balance of \$445,819.81 as of December 31, 2025 and anticipates an additional \$760,000 in revenues through 2035 for a total of \$1,205,819.81 to fund affordable housing programs. The municipality has provided a plan to spend projected revenues on specific projects and programs. The exact timing of additional revenues is uncertain, but the estimate is realistic based on project schedules, development trends, and historical rates of fees collected into the Affordable Housing Trust Fund. The Spending Plan will be amended if needed to adjust for changed needs or emergent opportunities for affordable housing production or assistance.

Spending Plan Summary	
Balance as of December 31, 2025	\$445,819.81
Projected Revenue 2025-2035	\$760,000.00
Development Fees	\$712,500.00
Other Funds	\$0.00
Interest	\$47,500.00
TOTAL REVENUE	\$1,205,819.81
Expenditures	
Rehabilitation Program	\$570,000.00
Housing Activity	\$250,000.00
Affordability Assistance	\$100,000.00
Administration	\$59,023.00
Emerging Mechanisms	\$226,796.81
TOTAL PROJECTED EXPENDITURES	\$1,205,819.81
REMAINING BALANCE	(\$0.00)

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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

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☎: 609-549-5043

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Brigit P. Zahler*
William J. Oxley
Damian B. Majewski
Brandon E. DeJesus
Kenneth E. Bozarth
Brandon S. Straight

*Also admitted in NY

File No. GL-3317

February 12, 2026

Via Email

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

RE: IMO Application of Township of Barnegat

Dear Donna:

Enclosed please find a proposed Resolution adopting the Fourth Round Affordable Housing Trust Fund Spending Plan. It can be placed on the agenda for the next Township Committee meeting.

Should 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: Pat Papi, Mayor-via email
Martin Lisella, Township Administrator-via email
Kurt J. Otto, P.E., Township Engineer-via email
Jason Worth, P.E., T&M Associates-via email
Christopher Dochney, PP, AICP-via email
Stacey Cole, Planning Board Secretary-via email

RESOLUTION NO. 2026-129

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE
OF NEW JERSEY AUTHORIZING CME ASSOCIATES TO
PROVIDE AN ENGINEERING PROFESSIONAL SERVICES
CONTRACT FOR IMPROVEMENTS TO THE
MUNICIPAL DOCK PAVILION**

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 2026-19; and

WHEREAS, CME Associates was one of the firms approved; and

WHEREAS, the Township is in need of Engineering professional services for the improvements to the Municipal Dock Pavilion; and

WHEREAS, CME Associates has provided a proposal of \$37,899.00 to provide such engineering services; and

WHEREAS, the Township Engineer Kurt J. Otto, PE, has issued a review memorandum dated February 20, 2026, recommending CME Associates be approved to provide engineering surveying, design, bidding services and construction administration inspection services for improvements to the Municipal Dock Pavilion; and

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

NOW THEREFORE BE IT RESOLVED on this 3rd day of March 2026, 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 CME Associates to provide Engineering professional services for the improvements to the Municipal Dock Pavilion on the February 20, 2026 recommendation letter of the Township Engineer and the February 19, 2026 proposal submitted by CME Associates, both of which are attached hereto and made a part hereof.

2.

BE IT FURTHER RESOLVED that the funds, in an amount not to exceed \$37,899.00, are hereby appropriated in the following line item appropriation(s), and is hereby certified by the Certified Municipal Finance Officer as of the adoption of this resolution.

Line Item: _____

: 
Thomas Lombański, CFO

CERTIFICATION

I, Donna M. Manno, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular Committee meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 3rd day of March 2026.

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

February 20, 2026

Mr. Thomas Lombarski, CFO
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

Re: Engineering Professional Services Contract; Revised Municipal Pavilion Improvements

Dear Tom:

As per Resolution 2026-19, the Township of Barnegat approved various engineering firms for 2026 engineering pool. As part of the pool, CME Associates was requested to provide a proposal for architectural and engineering work related to rehabilitation of the existing Municipal pavilion, located at the Municipal dock, at 427 East Bay Avenue. CME Associates previously performed these services in 2025, however, the original Municipal Pavilion Rehabilitation bids were rejected as they were all significantly higher than engineer's estimates.

CME Associates has provided a new proposal for a total of \$ 37,899.00, including predesign architectural and structural forensic investigation phase, design development and preparation of construction documents phase, bidding phase, and construction administration/inspection phase. Since CME Associates has previously performed structural and architectural investigation and design services, I recommend CME Associates of Barnegat, New Jersey, be approved for work totaling \$ 37,899.00, for engineering surveying, design, bidding services and construction administration/field inspection for revised rehabilitation plans to the existing municipal pavilion located at the municipal dock.

By copy of this letter, we request Township Attorney to prepare formal resolution of award at next Township committee meeting.

If I can be of further assistance, please contact my office.

Very Truly Yours

A handwritten signature in black ink, appearing to read 'Kurt J. Otto'.

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

KO/ko

Attachments

cc: Martin Lisella, Administrator
Donna Manno, Township Clerk
Christopher Dasti, Township Attorney



**Consulting & Municipal
ENGINEERS**

849 W. Bay Avenue, Suite 16
Barnegat, NJ 08005
732.410.2650 ☎
www.cmeusa1.com 🌐

Barnegat Township
900 West Bay Ave.
Barnegat, NJ 08005
Att Kurt Otto

February 19, 2026

Dear Kurt:

Re: Fee Proposal for Barnegat Municipal Dock and Pavilion – Reconstruction of Pavilion from 2 stories to one story.

In response to your inquiry regarding the re-construction of the existing Pavilion at the Municipal Dock and Pavilion location, we wish to offer our fee proposal to provide Architectural services as required for the above-mentioned project.

We feel that our firm and staff possess the resources, experience and expertise necessary to successfully render the services you require in a cost-effective manner.

It is our understanding that the Township wishes to modify the existing two (2) story Pavilion and reconstruct the existing Pavilion into one (1) story with a new higher roof.

We also understand the Township will contract for the demolition of the second story and roof so a general contractor can reconstruct the remaining structure into the one-story (1) Pavilion.

We have reviewed the structure and provided a report dated June 20, 2024, of the structural integrity of the Pavilion in that the second level should be closed and occupy only the first level for the duration of the summer season.

Further recent inspection indicates that the main beam supporting the second level has deteriorated at the support end (bay side) that necessitates the closure of the first level of the Pavilion.

Based on this information, we propose the following scope of services for the project:

Enclosed, please find our detailed Fee Proposal, which provides a breakdown of services by task.



**Consulting & Municipal
ENGINEERS**

Kurt Otto
Barnegat Township

February 4, 2026
Our File No. 115.BG00505.V01
Page 2

SCOPE OF WORK:

- Determine the requirements to provide for a reconstruction to one (1) story Pavilion. We will assume the existing foundation will support a one (1) story structure.
- Design a one (1) story Pavilion structure using the remaining Pavilion to develop a one (1) story Pavilion.
- Based on our previous proposal we will provide an allowance for replacement of existing one (1) story posts, joists and beam replacement.
- Review the electrical requirements with the Township to determine what is required.

SCOPE OF SERVICES:

Phase 1 – Predesign

We will review the program, budget and other pertinent information supplied by the Township and review laws, code and regulations as they may apply to the project scope. We will prepare an evaluation to identify any potential conflicts and/or additional services which may be required for the successful completion of the work. Other agencies such as CAFRA, FEMA etc. are not anticipated currently.

Provide a probable Construction Cost estimate.

Phase 2 – Design Development/Construction Documents

From the approved Design Development documents, we will prepare the Construction Documents setting forth the scope and program design. We will engage the use of other consultants, structural, MEP as needed to join the design team to add in the design effort. CME Associates considers the Construction Document phase as the final step in the process leading to the set of drawings and specifications that will be used to bid the project, obtain building permit and construct the project.

Phase 3 - BIDDING

CME Associates will assist in preparing bid packages for advertising, reviewing the bids and recommending the successful bidder.



Kurt Otto
Barnegat Township

February 4, 2026
Our File No. 115.BG00505.V01
Page 3

Phase 4 – Construction Administration and Inspection

CME will provide periodic observation during the construction phase of the project, review shop drawings, provide inspection as required. This does not include any observation or inspection during the removal of the second level being done by the Township.

SCHEDULE OF FEES

Phase 1 Predesign	\$14,180.00
Phase 2 Design Development/construction documents	\$15,899.00
Phase 3 Bidding	\$4,320
Phase 4 Construction Administration and Inspection	\$3,500.00
Total Fee Estimate	\$37,899.00

Exceptions:

- Other state agencies, CAFRA, FEMA etc. are not included in this proposal, we reserve the right to provide a separate fee for these services should they be required.
- The design of new lighting protection system, new audio-visual system and are not special lighting are not provided in this proposal but can be added for additional fee, should they be required.
- Any work not specified as listed in the above phases shall be considered additional services and will be invoiced at the time work is authorized by the Township.

Should you accept our fee proposal, kindly provide a purchase order or professional services resolution authorizing same.

We would like to thank you for allowing us to present this proposal and look forward to continue working with you providing the professional services you require.

Very truly yours,
CME Associates
James W. Cascardi
James W. Cascardi R.A.
Associate Project manager

RESOLUTION NO. 2026-130

**A RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN AND STATE OF NEW JERSEY
DENYING REQUEST FOR SANITARY SEWER SYSTEM
FACILITIES APPROVAL TO SHNITZLE BUILDERS FOR
BLOCK 265, LOT 3 ALSO KNOWN AS
26 SOUTH MAIN STREET**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (“the Township”) has received an application from the Developer Shnitzle Builders (“the Applicant”) for property known as 26 South Main Street (Route 9), Block 265, Lot 3 on the tax map of the Township of Barnegat (“the Property”); and

WHEREAS, the Applicant submitted an application for and filed plans for sanitary sewer system facilities approval; and

WHEREAS, the Township Engineer Kurt J. Otto, P.E., has reviewed the application and issued a review memorandum dated February 12, 2026, a copy of which is attached hereto and made a part hereof, recommending denial of the application at this time pursuant to the provisions set forth in the review memorandum; and

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

NOW THEREFORE BE IT RESOLVED this 3rd day of March, 2026, 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 denies the application for sanitary sewer system facilities pursuant to the recommendations of the Township Engineer and the Applicant shall comply with the requests of the Township Engineer and resubmit its application.

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

- (a) Pasquale Papi, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Kurt J. Otto, P.E., Township Engineer
- (d) Stacey Cole, Planning Board Secretary
- (e) Jason Worth, P.E., Zoning Board Engineer
- (f) Roger Budd, Water/Sewer Utility Supervisor
- (g) Christine Roessner, Finance Department
- (h) Christopher J. Dasti, Township Attorney
- (i) Shnitzle Builders, LLC.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on March 3, 2026 a quorum being present and voting in the majority.

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

February 12, 2026

Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

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

RE: **Docket #WS 25-03**
Application for Review of Final Plans for Sanitary Sewer System Facilities
Review #1 – Proposed Flex Warehouse
26 South Main Street (NJSH Route 9)
Block 265, Lot 3
Applicant: Shnitzle Builders
Township of Barnegat

Dear Mayor and Township Committee:

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

1. Township of Barnegat Application for Review of Final Plans for Sanitary Sewer System Facilities, dated 1/27/26;
2. Plans entitled "26 South Main Street, Block 265, Lot 3; Barnegat Township, New Jersey", sheets 1 – 26 of 26, prepared by Josip Medic, PE, of Terranova Engineering Consultants, dated 4/24/25, last revised 1/15/26.
3. Fire Hydrant Coverage Evaluation letter, dated January 12, 2026, prepared by Josip Medic, PE, of Terranova.
4. Engineers Estimate of Sanitary Sewer, dated 1/26/26, prepared by Contractor Abraham Hirsch.
5. Application letter for Final Sanitary Sewer System Facilities, including response letter to Preliminary Sanitary Sewer System Facilities review, dated 1/16/26, prepared by Josip Medic, PE of Terranova.

GENERAL COMMENTS

1. Applicant seeks Final Sanitary Sewer System Facilities approval to permit the construction of a 11,340 SF Flex Warehouse space, located at 26 South Main Street, at Lot 3, Block 265. Applicant received Preliminary Sanitary Sewer System Facilities approval per Resolution 2026-96, dated 2/3/26.
2. Based upon a calculated sewer demand of 25 gpd/employee, the applicant has calculated an average daily demand of 200 gpd, for eight (8) employees. The 25gpd/employee is per NJAC 7:14A-23.3 Projected Flow Criteria.
3. Applicant proposes to connect to existing sewer main at Georgetown Boulevard, via onsite sanitary sewer lift station and 4" sanitary sewer force main (directionally drilled) to new drop manhole with a gravity connection to existing manhole in Georgetown Boulevard.
4. Fees: Per Chapter 74-7D(1)(b), **Final Sanitary Sewer Review Fees**:
 - a. Two percent (2%) of estimated cost of construction = $.02 \times \$ 45,718.00 = \$ 914.36$

Please ensure applicant has posted \$ 914.36 as Final Sanitary Sewer Review fee.

It is noted that \$400 was provided at time of Final submittal, so additional Final Application fee of \$ 914.36 - \$400.00 = \$ 514.36 is required. **Please submit \$ 514.36 at time of resubmission**

DESIGN COMMENTS

1. Final sanitary sewer lateral locations shall be confirmed upon final building plans.
2. Utility plan proposes entry and exit pits for proposed force main directional drilling. The directional drilling is proposed under NJSH Route 9 (aka South Main Street) and Georgetown Boulevard, a Township roadway.
3. Previously, applicant proposed on-site fire hydrant connected to proposed on-site well, and per our Preliminary Sanitary Sewer Facilities review letter dated 1/6/26, it was noted to "Clarify need for fire hydrant on-site and how adequate flow and pressure would be provided with proposed well." In response, the applicant's engineer has provided letter dated 1/12/26, to provide estimates of existing fire hydrant coverage, based upon distance and NFPA allowable credits. Engineer has included three hydrants, located 250 feet, 500 feet and 1000 feet from proposed site, and totaled the credited flow from each hydrant per NFPA Table 18.5.4.3 as 3,250 gpm. However, the three hydrants shown are all on the same main, and residual pressure may fall below the required minimum of 20psi per Table 18.5.4.3 if all opened, lowering total available flowrates. Therefore, alternate means of required fire protection shall be proposed. Applicant can also coordinate with Township water and sewer department to perform hydrant testing to determine residual flow and pressure at each hydrant.
4. A separate developer is currently in talks with Township to extend water main down Georgetown Road to NJSH Route 9, then north, which would provide for water main across lot frontage of 26 South Main Street. Engineer has revised plans to indicate future water connection, however, this application only need show PROPOSED future shut off and metering locations onsite, to allow future developer to tie in. Revise plans accordingly.
5. Adjacent property, Block 265, Lot 4.01, is also before the Planning Board for site plan approval, and also requires a sanitary sewer lift station and force main. Applicant is advised to contact that applicants engineer, Bruce Jacobs, PE, at 609-693-6126, to connect force mains in the future and be combined such that only one force main crossing of Route 9 is constructed. On Utility Plan sheet 8, indicate location of proposed force main connection from Lot 4.01, and include required check valves/back flow prevention for both.
6. Submit Sanitary Sewer Specifications as per Township standards, at barnegatwaterandsewer.com.
7. Provided Construction Cost estimate did not include all items on Utility plan, see attached revised Engineers Cost Estimate as per Township Engineer. Please note the Final Sanitary Sewer Facilities application fee is 2% of Estimated Construction Cost, and it is noted that \$400 was provided at time of Final submittal, so additional Final Application fee of \$ 914.36 - \$400.00 = \$ 514.36 is required. **Please submit \$ 514.36 at time of resubmission.**
8. At time of resubmission, revise the Application for Review of Final Plans for Sanitary Sewer System Facilities, as follows:
 - a. Revise 5 to note TOTAL SF of 11,340 SF of Flex Warehouse Space

OUTSIDE AGENCY APPROVALS

The application is subject to the following outside agency approvals:

1. Township of Barnegat Planning Board.
2. Ocean County Planning Board.
3. Ocean County Soils Conservation District.
4. NJDOT, Highway Occupancy Permit
5. NJDEP CAFRA permit, if applicable.
6. Any other applicable outside agencies

Based on the above review comments, we DO NOT recommend the applicant be granted Final Sanitary Sewer System Facilities approval at this time, and will provide review subsequent to applicant resubmittal based upon the above review comments.

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

Very Truly Yours

A handwritten signature in black ink, appearing to read 'K. J. Otto', written in a cursive style.

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

Cc:

Attachment

Martin Lisella, Twp Administrator, via email (mlisella@barnegat.net)

Stacey Cole, PB secretary, via email (scole@barnegat.net)

Jason Worth, PE, Twp Planning Board Engineer, via email (jworth@tandmassociates.com)

Roger Budd, Twp Water and Sewer Utility Supervisor, via email (rbudd@comcast.net)

Christine Roessner, Twp Finance, via email (christinet@barnegat.net)

Christopher Dasti, Esq., Twp Water and Sewer Attorney, via email (cdasti@dastilaw.com)

Josip Medic, PE, via email (jmedic@terranve.com)

Sanitary Sewer System Performance Guarantee Estimate

Project Major Site Plan/Flex Warehouse
26 South Main Street
Barnegat Township, Ocean County

February 12, 2026

Applicant Shnitzle Builders

Plans used to prepare this estimate are based upon plans entitled "26 South Main Street, Block 265, Lot 3", sheets 1,-26 of 26, prepared by Josip Medic, PE, dated April 24, 2025, last revised January 15, 2026

Sanitary Sewer System Improvements - 26 South Main Street					
Item	Description	Quantity	Unit	Unit Price	Total
1	6" PVC San Lateral with 2 COs	139	LF	\$ 40.00	5,560.00
2	Sanitary Sewer Lift Station	1	LS	\$ 10,000.00	10,000.00
3	2" HDPE SS forcemain	224	LF	\$ 75.00	16,800.00
4	New 5' dia SS drop MH, 0'-8' deep	1	Unit	\$ 4,500.00	4,500.00
5	4" Concrete Sidewalk restoration	7	SY	\$ 60.00	420.00
6	Concrete Curb Remove and Replace	12	LF	\$ 25.00	300.00
7	6" PVC San Lateral	37	LF	\$ 40.00	1,480.00
8	Connect to Existing Sanitary Sewer	1	EA	\$ 750.00	750.00
9	Twp Roadway Restoration	192	SF	\$ 30.00	5,760.00
10	Gravity Sewer Testing	37	LF	\$ 2.00	74.00
11	TV Inspection with Video and Report	37	LF	\$ 2.00	74.00
12	As-Built Plans (GIS Format)	1	LS	\$ 310.48	310.48

	\$	45,718.00
Total Estimated Sanitary Sewer System Const Cost	\$	45,718.00
20% Contingency	\$	9,143.60
Total Performance Guarantee Estimate	\$	54,861.60
Cash Guarantee	\$	5,486.16
(10% of Total Performance Guarantee)		
Surety Bond or Letter of Credit	\$	49,375.44
(90% of Total Performance Guarantee Estimate)		
Inspection Escrow	\$	\$2,285.90
5% of Estimated Construction Cost	\$	\$ 500 minimum
(.05 x \$45,718.00)		
Final SS Application Fee	\$	914.36
2% of Estimated Construction Cost		
(.02x \$45,718.00)		

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

ATTORNEYS AT LAW

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Brigit P. Zahler*
William J. Oxley
Damian B. Majewski
Brandon E. DeJesus
Kenneth E. Bozarth
Brandon S. Straight

*Also admitted in NY

GL-3899

February 18, 2026

Via Email

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

**Re: Resolution Denying Request for Sanitary Sewer System Facilities Approval
to Shnitzle Builders for Block 265, Lot 3**

Dear Donna:

Enclosed please find proposed resolution with regard to the above-referenced matter. It can be placed on the agenda for the next Township Committee meeting.

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

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosure

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

RESOLUTION NO. 2026-131

A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY GRANTING FINAL SANITARY SEWER SYSTEM FACILITIES APPROVAL TO SP BARNEGAT, LLC FOR PROPOSED ALDI FOOD MARKET LOCATED AT 10 BARNEGAT BOULEVARD OTHERWISE KNOWN AS BLOCK 114, LOT 14.05

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received an application for final sanitary sewer system facilities approval from SP Barnegat, LLC (“the Applicant”) for property known as Block 114, Lot 14.05 otherwise known as 10 Barnegat Boulevard, otherwise known as proposed Aldi Food Market (“the Property”); and

WHEREAS, the Township’s Engineer Kurt J. Otto, P.E., has issued a review memorandum dated February 20, 2026, a copy of which is attached hereto and made a part hereof, recommending final approval subject to the conditions set forth in the review memorandum; and

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

NOW THEREFORE BE IT RESOLVED this 3rd day of March, 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 grants final sanitary sewer system facilities approval subject to the Applicant meeting the conditions set forth in the February 20, 2026 review memorandum of the Township Engineer which is attached hereto and made a part hereof.

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

(a) Pasquale (Pat) Pipi, Mayor

- (b) Martin Lisella, Township Administrator
- (c) Kurt J. Otto, P.E., Township Engineer
- (d) Stacey Cole, Planning Board Secretary
- (e) Jason Worth, P.E., Zoning Board Engineer
- (f) Roger Budd, Water/Sewer Utility Supervisor
- (g) Christine Roessner, Finance Department
- (h) Nicholas Minner, P.E.
- (i) Christopher J. Dasti, Township Attorney

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 3rd day of March 2026 in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005

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

February 26, 2026

Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

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

RE: **Docket #WS 25-06**
Application for Review of Final Plans for Sanitary Sewer System Facilities
Review #1 – Aldi Food Market
10 Barnegat Boulevard
Block 114, Lot 14.05
Applicant: SP Barnegat, LLC
Township of Barnegat

Dear Mayor and Township Committee:

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

1. Township of Barnegat Application for Review of Final Plans for Sanitary Sewer System Facilities, dated 6/3/25;
2. "Water and Sanitary Sewer Engineer's Report for SP Barnegat, LLC; Proposed Aldi Food Market, 10 Barnegat Boulevard, Block 114, Lot 14.05, Barnegat Township", dated June 2025, last revised February 2026, prepared by Joshua Sewald, PE, of Dynamic Engineering;
3. Plans entitled "Preliminary and Final Site Plan for SP Barnegat LLC; Proposed Aldi Food Market, Block 114, Lot 14.05; Barnegat Township, New Jersey", sheets 1 – 25 of 25, prepared by Joshua Sewald, PE, of Dynamic Engineering, dated 6/6/25, last revised 2/18/26;
4. Preliminary Opinion of probable Water and Sanitary Sewer Construction Costs for SP Barnegat LLC., 10 Barnegat Boulevard; prepared by Dynamic Consultants, PC, dated 2/13/26;
5. Cover letter dated February 19, 2026, by Joshua Sewald, PE, of Dynamic Engineering.

GENERAL COMMENTS

1. Applicant seeks Final Sanitary Sewer System Facilities approval to permit the construction of a 21,495 SF Aldi Food Market, located at 10 Barnegat Boulevard, at Lot 14.05, Block 114. Applicant received Preliminary Sanitary Sewer System Facilities approval per Resolution 2025-294, dated August 5, 2025
2. Based upon a calculated sewer demand of .100 gpd/sf, the applicant has calculated an average daily demand of 2,149.50 gpd.
3. Applicant proposes to connect to existing sewer main at Barnegat Boulevard with a 6" lateral.
4. Fees: Per Chapter 74-7D(1)(b), **Final Sanitary Sewer Review Fees:**
2% of estimated construction cost = .02 X \$ 9,219.00 = **\$184.00**

Please ensure applicant has posted \$184.00 as Final Sanitary Sewer Review fee.

DESIGN COMMENTS

1. Final sanitary sewer lateral locations shall be confirmed upon final building plans.
2. The sanitary sewer construction cost estimate shall be revised to include the roadway restoration for proposed sewer main tap.

OUTSIDE AGENCY APPROVALS

The application is subject to the following outside agency approvals:

1. Township of Barnegat Planning Board. **Received**
2. Ocean County Planning Board.
3. Ocean County Soils Conservation District.
4. NJDEP CAFRA permit **Received**.
5. Any other applicable outside agencies

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

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

Very Truly Yours



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

Cc:

Martin Lisella, Twp Administrator, via email (mlisella@barnegat.net)
Stacey Cole, PB secretary, via email (scole@barnegat.net)
Jason Worth, PE, Twp Planning Board Engineer, via email (iworth@tandmassociates.com)
Roger Budd, Twp Water and Sewer Utility Supervisor, via email (rbudd@comcast.net)
Christine Roessner, Twp Finance, via email (christinet@barnegat.net)
Crystal Brinson, Twp Tax Collector, via email (Crystal@barnegat.net)
Christopher Dasti, Esq., Twp Water and Sewer Attorney, via email (cdasti@dastilaw.com)
Joshua Sewald, PE, via email (jsewald@dynamiccec.com)

RESOLUTION NO. 2026-132

A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY GRANTING FINAL WATER SYSTEM FACILITIES APPROVAL TO SP BARNEGAT, LLC FOR PROPOSED ALDI FOOD MARKET LOCATED AT 10 BARNEGAT BOULEVARD OTHERWISE KNOWN AS BLOCK 114, LOT 14.05

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received an application for final water system facilities approval from SP Barnegat, LLC (“the Applicant”) for property known as Block 114, Lot 14.05 otherwise known as 10 Barnegat Boulevard, otherwise known as proposed Aldi Food Market (“the Property”); and

WHEREAS, the Township’s Engineer Kurt J. Otto, P.E., has issued a review memorandum dated February 20, 2026, a copy of which is attached hereto and made a part hereof, recommending final approval subject to the conditions set forth in the review memorandum; and

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

NOW THEREFORE BE IT RESOLVED this 3rd day of March, 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 grants final water system facilities approval subject to the Applicant meeting the conditions set forth in the February 20, 2026 review memorandum of the Township Engineer which is attached hereto and made a part hereof.

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

(a) Pasquale (Pat) Papi, Mayor

- (b) Martin Lisella, Township Administrator
- (c) Kurt J. Otto, P.E., Township Engineer
- (d) Stacey Cole, Planning Board Secretary
- (e) Jason Worth, P.E., Zoning Board Engineer
- (f) Roger Budd, Water/Sewer Utility Supervisor
- (g) Christine Roessner, Finance Department
- (h) Nicholas Minner, P.E.
- (i) Christopher J. Dasti, Township Attorney

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 3rd day of March 2026 in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005

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

February 20, 2026

Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

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

RE: **Docket #WS 23-14**
Application for Review of Final Plans for Water System Facilities
Review #1
488 North Main Street; Route 9
Block 210, Lot 20.10
Applicant: New Jersey Institute for Disabilities
Township of Barnegat

Dear Mayor and Township Committee:

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

1. Township of Barnegat Application for Review of Final Plans for Water System Facilities, dated 7/16/25;
2. "Engineer's Report for the Sanitary Sewer Lateral and Water Service Construction; 488 North Main Street; Block 210, Lot 20.10, Barnegat Township", dated February 19, 2026, prepared by Nicholas Minner, PE, of Colliers Engineering and Design;
3. "Engineer's Estimate, Water System Construction", dated February 19, 2026, prepared by Nicholas Minner, PE;
4. Technical Specifications for the Site Work, Storm Sewer, Sanitary Sewer Lateral and Water Service Construction; 488 North Main Street; Block 210, Lot 20.10, dated February 19, 2026, prepared by Nicholas Minner, PE;
5. Plans entitled "Preliminary and Final Major Site Plan for New Jersey Institute for Disabilities; Block 210, Lot 20.01"; sheets 1-22 of 22; prepared by Nicholas Minner, PE, dated 3/4/24, last revised 1/30/26;

GENERAL COMMENTS

1. Applicant seeks Final Water System Facilities approval to permit the construction of a 10,120 sf, 1-story building on Lot 20.10, Block 210, for an adult day care operated by New Jersey Institute for Disabilities. Applicant previously received Preliminary Water System Facilities approval per Resolution 2025-293, dated August 5, 2025.
2. Based upon the proposed number of users and employees, the applicant has calculated an average daily demand of 975 gpd, or .000975 MGD.
3. Applicant proposes to connect to existing water service at NJSH Route 9 with a new 2" water service connection. The 2" water service would include 2" meter pit, and extension to new building. No separate fire service is noted on plans.

4. Fees: Per Chapter 74-17.2A(2), **Final Water Review Fees:**
 - a. 2% estimated cost of construction = $.02 \times \$49,800 = \996.00

Please ensure applicant has posted \$996.00 as Final Water Review fee.

DESIGN COMMENTS

1. Various off-site water system improvements have been constructed by Mark Madison, LLC. In accordance with the developers' agreement between Township of Barnegat and Mark Madison, LLC, all developers within the water system service area must reimburse Mark Madison LLC for their share of the cost of the improvements constructed and paid for by Mark Madison, LLC. Therefore, as a condition of any approval granted by the Township Committee, the Applicant must pay their share of the water system costs in the amounts and at the times set forth in the developers' agreement.
2. A new 6" tap to existing main in Route 9 is proposed, to be extended onsite with 6"DIP for a separate fire service.
3. A new tap to existing main in Route 9 with dead end hydrant is proposed, with details provided on updated plans.

OUTSIDE AGENCY APPROVALS

The application is subject to the following outside agency approvals:

1. Township of Barnegat Planning Board.
2. Ocean County Planning Board.
3. Ocean County Soils Conservation District.
4. NJDOT Major Access Permit.
5. Any other applicable outside agencies

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

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

Very Truly Yours



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

Cc:

Martin Lisella, Twp Administrator, via email (mlisella@barnegat.net)
Stacey Cole, PB secretary, via email (scole@barnegat.net)
Jason Worth, PE, Twp Planning Board Engineer, via email (iworth@tandmassociates.com)
Roger Budd, Twp Water and Sewer Utility Supervisor, via email (rbudd@comcast.net)
Christine Roessner, Twp Finance, via email (christinet@barnegat.net)
Christopher Dasti, Esq., Twp Water and Sewer Attorney, via email (cdasti@dastilaw.com)
Nicholas Minner, PE, via email (nick.minner@collierseng.com)

RESOLUTION NO. 2026 –133

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, GRANTING FINAL WATER
SYSTEM FACILITIES APPROVAL TO THE NEW
JERSEY INSTITUTE FOR DISABILITIES, 488
NORTH MAIN STREET, BLOCK 210, LOT 20.10**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”) has received a request from the applicant New Jersey Institute for Disabilities (“NJID”) for final water system facilities approval for property known as 488 North Main Street, Route 9, Barnegat, New Jersey otherwise known as Block 210, Lot 20.10 on the Tax Map of the Township of Barnegat (“the Property”); and

WHEREAS, the Township’s Engineer Kurt J. Otto, P.E., has received and reviewed the application and issued a review memorandum dated February 20, 2026, a copy of which is attached hereto and made a part hereof, recommending final water system facilities approval subject to the conditions set forth in the review memorandum; and

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

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of March, 2026 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township hereby grants final water system facilities approval to NJID for Block 210, Lot 20.10 subject to the conditions set forth in the February 20, 2026 review memorandum of the Township Engineer which is attached hereto and made a part hereof.
2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Pasquale Papi, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Stacey Cole, Planning Board Secretary
- (d) Jason Worth, PE, Township Planning Board Engineer
- (e) Roger Budd, Water and Sewer Utility Supervisor
- (f) Christine Roessner, Township Finance Department
- (g) Kurt J. Otto, PE, Township Engineer
- (h) Christopher J. Dasti, Township Attorney
- (i) New Jersey Institute for Disabilities

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on March 3, 2026, a quorum being present and voting in the majority.

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

February 20, 2026

Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

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

RE: ***Docket #WS 23-14***
Application for Review of Final Plans for Water System Facilities
Review #1
488 North Main Street; Route 9
Block 210, Lot 20.10
Applicant: New Jersey Institute for Disabilities
Township of Barnegat

Dear Mayor and Township Committee:

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

1. Township of Barnegat Application for Review of Final Plans for Water System Facilities, dated 7/16/25;
2. "Engineer's Report for the Sanitary Sewer Lateral and Water Service Construction; 488 North Main Street; Block 210, Lot 20.10, Barnegat Township", dated February 19, 2026, prepared by Nicholas Minner, PE, of Colliers Engineering and Design;
3. "Engineer's Estimate, Water System Construction", dated February 19, 2026, prepared by Nicholas Minner, PE;
4. Technical Specifications for the Site Work, Storm Sewer, Sanitary Sewer Lateral and Water Service Construction; 488 North Main Street; Block 210, Lot 20.10, dated February 19, 2026, prepared by Nicholas Minner, PE;
5. Plans entitled "Preliminary and Final Major Site Plan for New Jersey Institute for Disabilities; Block 210, Lot 20.01"; sheets 1-22 of 22; prepared by Nicholas Minner, PE, dated 3/4/24, last revised 1/30/26;

GENERAL COMMENTS

1. Applicant seeks Final Water System Facilities approval to permit the construction of a 10,120 sf, 1-story building on Lot 20.10, Block 210, for an adult day care operated by New Jersey Institute for Disabilities. Applicant previously received Preliminary Water System Facilities approval per Resolution 2025-293, dated August 5, 2025.
2. Based upon the proposed number of users and employees, the applicant has calculated an average daily demand of 975 gpd, or .000975 MGD.
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4. Fees: Per Chapter 74-17.2A(2), **Final Water Review Fees:**
 - a. 2% estimated cost of construction = .02 X \$49,800 = \$996.00

Please ensure applicant has posted \$996.00 as Final Water Review fee.

DESIGN COMMENTS

1. Various off-site water system improvements have been constructed by Mark Madison, LLC. In accordance with the developers' agreement between Township of Barnegat and Mark Madison, LLC, all developers within the water system service area must reimburse Mark Madison LLC for their share of the cost of the improvements constructed and paid for by Mark Madison, LLC. Therefore, as a condition of any approval granted by the Township Committee, the Applicant must pay their share of the water system costs in the amounts and at the times set forth in the developers' agreement.
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3. A new tap to existing main in Route 9 with dead end hydrant is proposed, with details provided on updated plans.

OUTSIDE AGENCY APPROVALS

The application is subject to the following outside agency approvals:

1. Township of Barnegat Planning Board.
2. Ocean County Planning Board.
3. Ocean County Soils Conservation District.
4. NJDOT Major Access Permit.
5. Any other applicable outside agencies

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

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

Very Truly Yours



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

Cc:

Martin Lisella, Twp Administrator, via email (mlisella@barnegat.net)
Stacey Cole, PB secretary, via email (scole@barnegat.net)
Jason Worth, PE, Twp Planning Board Engineer, via email (iworth@tandmassociates.com)
Roger Budd, Twp Water and Sewer Utility Supervisor, via email (rbudd@comcast.net)
Christine Roessner, Twp Finance, via email (christinet@barnegat.net)
Christopher Dasti, Esq., Twp Water and Sewer Attorney, via email (cdasti@dastilaw.com)
Nicholas Minner, PE, via email (nick.minner@collierseng.com)

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

Brigit P. Zahler*
William J. Oxley
Damian B. Majewski
Brandon E. DeJesus
Kenneth E. Bozarth
Brandon S. Straight

*Also admitted in NY

File No.: GL-3670

February 27, 2026

Via Email

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

**Re: Resolution Granting Final Water System Facilities Approval to New Jersey
Institute for Disabilities, Block 210, Lot 20.10**

Dear Donna:

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

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

Very truly yours,

s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD:ll

Enclosures

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

RESOLUTION 2026-134

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE IMPLEMENTATION OF THE NEW CASH PAYMENT
ROUNDING POLICY FOR “PENNIES”**

WHEREAS, the Township Committee of the Township of Barnegat that, due to the reduced availability and circulation of one-cent coins (“pennies”), in-person cash payments will be problematic without the implementation of a rounding procedure; and

WHEREAS, the Committee has developed a Cash Payment Rounding Policy which will apply to all customers making in-person payments using cash for billable items collected by any authorized Township of Barnegat employee when the customer is unable to pay in exact change; and

THEREFORE BE IT RESOLVED, the implementation of the attached policy is necessary for the continued efficient operation of the township.

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 March 3, 2026

Donna M. Manno, RMC
Municipal Clerk

CASH PAYMENT ROUNDING POLICY

1. Rounding of Cash Transactions
 - a. When a customer pays a Tax or Water/Sewer bill in cash, the final balance due shall be rounded up to the nearest \$0.05 (five cents)
 - b. This rounding applies only to the cash payment process and does not alter the actual billed amount recorded in the Township's accounting system
2. Rounding Rules
 - a. Amounts ending in \$0.01 through \$0.04 will be rounded to \$0.05
 - b. Amounts ending in \$0.06 through \$0.09 will be rounded up to the next \$0.10
 - c. No amount will be rounded down under any circumstance
3. Application of Excess
 - a. Any amount collected above the exact billed charge due to rounding shall be credited to the customer's next quarterly Tax and/or Water/Sewer bill.
 - b. The credit will be shown on the customer's receipt and/or the next billing statement
4. Electronic Payments Unaffected
 - a. This rounding policy does not apply to payments made by check, ACH, credit/debit card, or online payment platforms.

Township staff responsible for billing and collections shall implement this policy. The township may revise the policy as needed based on operational or financial considerations

RESOLUTION 2026-135

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,
STATE OF NEW JERSEY AUTHORIZING THE SEPARATION AGREEMENT
OF JENNIFER MCCORRY, AS A TEMPORARY PART- TIME, ON CALL
PURCHASING COORDINATOR FOR THE FINANCE OFFICE**

BE IT RESOLVED, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that this governing body hereby authorizes the separation agreement of Jennifer McCorry as a Temporary Part-Time, On Call Purchasing Coordinator for the Finance Department, effective, February 28, 2026

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 March 3, 2026.

: _____
Donna M. Manno, RMC
Municipal Clerk

RESOLUTION 2026-136

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,
STATE OF NEW JERSEY, TO PURCHASE ONE (1) 2027 LEACH 32 YRD 2R-
III REAR LOADER BODY FROM GRANTURK EQUIPMENT CO. INC
THROUGH SOURCEWELL CO-OP, CONTRACT #110223-LEG
FOR THE PUBLIC WORKS DEPARTMENT**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") is part of the Sourcewell Co-Op which is the state contract exempt from public bidding under the New Jersey Local Public Contracts Law; and

WHEREAS, the Township is desirous to award a bid for the Sourcewell Contract No. 110223-LEG to GranTurk Equipment Co., Inc for the purchase of one (1) 2027 Leach 32 yr 2R-III Rear Loader body at the price not to exceed \$331,195.68.

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

THEREFORE, BE IT RESOLVED, by the Township Committee of The Township of Barnegat, County of Ocean, State of New Jersey that the amount not to exceed \$331,195.68 is hereby approved by the Chief Financial Officer for payment to GranTurk Equipment Co. Inc., for the purchase of one (1) 2027 Leach 32 yd 2R-III Rear Loader Body through Sourcewell Contract #110223-LEG

WHEREAS, that the Chief Financial Officer ("CFO") does hereby certify the availability of funds with respect to purchasing from GranTurk, One Schuylkill Parkway, Bldg B, Bridgeport, PA 19405-1069 for a price not to exceed \$313,195.68

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

6-01-44-860-154
Line Item(s)



Thomas Lombarski, CFO

CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their regular meeting held in the Municipal Complex 900 W. Bay Avenue, Barnegat on the 3rd day of March 2026

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

February 25, 2026

Township of Barnegat
 900 W. Bay Avenue
 Barnegat, NJ 08005
 Attn: Mr. Scott Dougherty, Superintendent of Public Works

Revised Quotation

As per the request of your sales representative Frank Turk, we are pleased to offer the following for your consideration. Please find our quotation for subject **Sourcewell member, as per the Mobile Refuse Collection Vehicle Contract #110223-LEG-for your consideration.**

One (1) Leach 32 Yd.2R-III Rear-Loader Mounted on Customer Supplied Chassis

- | | |
|--|---|
| Paccar PX-9 370 HP Diesel Engine | Married Pump |
| Allison 4500 RD-S Automatic Transmission | Hot Shift PTO |
| Chromium Carbide Packer Shoes & Rails | Drum Winch 12K Lbs. Capacity w/Latch & Ears |
| Dual LED Hopper Work Lights | |
| LED Oval Strobes-Front of Body: Qty 2 | |
| LED Oval Strobes-Tailgate Upper: Qty 2 | |
| Single Renegade Cable & Brackets | |
| Single Renegade Camera System: Tailgate | |
| Renegade 7" Color Monitor | |
| Body Side Opening for Hydraulic Tank | |
| Hardox 450 Tailgate Upgrade Floor & Sides | |
| Mud Flaps | |
| Body Painted One Color Urethane Paint | |
| Leach One Year Standard Parts & Labor Warranty | |

Price of Leach 32 Yd 2R-III Rear-Loader Body.....	\$106,210.00
Less Sourcewell 3% Discount.....	\$ - 2,124.20
Sourcewell Price for Leach 32 Yd. 2R-III Body.....	\$104,085.80
Tarriff.....	\$ 1,000.00
Mount Customer Supplied Peterbilt Chassis.....	\$ 8,500.00
Outsource: 2027 Peterbilt 548 Tandem Axle Chassis.....	\$188,254.00
Outsource: Leach Parts	
<i>Married pump, Camera System, Monitor& Mud Flaps.....</i>	\$ 9,000.00
Outsource Goods: Leaf Scoop Attachment Painted White.....	\$ 5,255.88
Freight.....	\$ 11,600.00
Prep, Training and Delivery.....	\$ 3,500.00
Total Leach 32 Yd 2R-R/L Body w/Peterbilt Chassis.....	\$331,195.68

PRICE VAILID TILL APRIL 29, 2026

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.

Karen Ritchie-Reinl
 Karen Ritchie-Reinl, Administrator

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

RESOLUTION NO. 2026-137

**A RESOLUTION OF THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN AND STATE OF
NEW JERSEY ADOPTING THE FOURTH ROUND
AFFORDABLE HOUSING AFFIRMATIVE
MARKETING PLAN**

WHEREAS, the Township of Barnegat, County of Ocean, and State of New Jersey (“the Township”) in accordance with the State of New Jersey’s Affordable Housing Law, filed suit for declaratory judgment under Docket No. OCN-L-19-25 captioned In the Matter of Barnegat Township; and

WHEREAS, the Township settled its affordable housing litigation with the Fair Share Housing Center; and

WHEREAS, a Consent order was entered by the Court on January 30, 2026, resolving the matter subject to the Township’s compliance with affordable housing regulations; and

WHEREAS, as part of the regulations require the Township update and adopt its new Affirmative Marketing Plan; and

WHEREAS, a copy of the Affirmative Marketing Plan is attached hereto and is on file in the office of the Township Clerk and can be viewed during normal business hours.

NOW THEREFORE BE IT RESOLVED this 3rd day of March, 2026, 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 adopts the Affirmative Marketing Plan, a copy of which is on file in the office of the Township Clerk and can be viewed during normal business hours.

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

- (a) Pasquale Papi, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Kurt Otto, PE, Township Engineer
- (d) Christopher Dochney, Township Affordable Housing Planner
- (e) 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 March 3, 2026, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

Barnegat Township – Affirmative Marketing Plan

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in Region 4

The purpose of the Affirmative Marketing Plan is to ensure that all affordable housing units created within Barnegat Township are affirmatively marketed to very low-, low-, and moderate-income households throughout Housing Region 6, which includes Ocean, Monmouth, and Mercer Counties. The AMP establishes a regional marketing strategy designed to attract potential applicants of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English proficiency, marital or familial status, gender, affectional or sexual orientation, disability, age, source of lawful income, or any other characteristic protected under the New Jersey Law Against Discrimination.

Consistent with UHAC at N.J.A.C. 5:80-26.16, the AMP is intended to:

- Promote equal housing opportunity and prevent discriminatory housing practices;
- Affirmatively reach households that are least likely to apply for affordable housing within the region;
- Ensure that all affordable units are widely advertised through appropriate regional media outlets, housing search websites, community organizations, and major employers;
- Provide a fair and transparent random selection process for qualified applicants; and
- Maintain compliance throughout the entire period of affordability controls applicable to each restricted unit.

The Township's AMP applies to all affordable housing units created pursuant to the Township's Housing Element and Fair Share Plan, including both prior round and Fourth Round obligations, as well as any future developments containing deed-restricted affordable units. The Plan will be implemented by the Township's designated Administrative Agent, who will oversee all marketing activities, application intake, random selection procedures, income qualification, and ongoing compliance monitoring in accordance with UHAC requirements.

Marketing efforts will commence no fewer than 120 days prior to anticipated occupancy of affordable units and will continue as necessary to ensure that qualified applicants are identified and units are occupied. Affordable units will be listed on the New Jersey Housing Resource Center (NJHRC) website and advertised in appropriate regional publications serving Housing Region 6. Outreach will also include community-based organizations, religious institutions, social service agencies, veterans' organizations, and major regional employers to ensure broad and inclusive dissemination of information.

All costs associated with advertising and marketing of affordable housing units will be borne by the applicable developer or property owner, subject to the direction and oversight of the Township's Administrative Agent.

The Township of Barnegat affirms its commitment to advancing the goals of the Fair Housing Act by ensuring that affordable housing opportunities are made available on a nondiscriminatory basis.

Barnegat Township – Affirmative Marketing Plan

I. Applicant and Project Information

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number Patricia Gallagher, CME Associates 3600 NJ 66, 3rd Floor, Neptune, NJ 07753 Phone: 732.462.7400 x 1030		1b. Development or Program Name, Address Township of Barnegat	
1c. Number of Affordable Units: N/A Number of Rental Units: N/A Number of For-Sale Units: N/A	1d. Price or Rental Range	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted <input type="checkbox"/> Supportive Housing (incl. group homes)	1g. Bedroom Counts/ Square Footage Studio/Efficiency: 1 Bedroom: 2 Bedroom: 3 Bedroom: 4 Bedroom:	1h. Approximate Starting Dates	
1i. County Monmouth, Mercer, or Ocean		1j. Census Tract(s):	
1k. Managing/Sales Agent's Name, Address, Phone Number TBD for individual projects			
1l. Application Fees (if any): There are no application fees.			

II. Random Selection

<p><u>2a. Advertising Prior to Random Selection</u></p> <ol style="list-style-type: none"> 1. Post the listing of affordable housing units to the New Jersey Housing Resource Center at least 60 days before or within one day thereafter prospective applicants are provided with information regarding the application process. 2. Within one business day, notify the Continuum of Care of any rental housing units. 3. The available units are published in at least one advertisement in a regional newspaper. 4. The units are advertised on at least one housing search website. 5. Undertake at least two additional regional marketing strategies (one digital and one non-digital). 6. Describe the random selection process that will be used once applications are received. <p><u>2b. Initial Randomization</u></p>
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Applicants are selected at random before income-eligibility is determined, regardless of household or desired number of bedrooms.

The process is as follows:

1. After advertising is implemented, applications are accepted for 120 days.
2. At the end of the period, sealed applications are selected one-by-one through a lottery (unless fewer applications are received than the number of available units, then all eligible households will be placed in a unit).
3. An applicant pool is created by listing applicants in the order selected.
4. Applications are reviewed for income-eligibility. Ineligible households are informed that they are being removed from the applicant pool or given the opportunity to correct and/or update income and household information.
5. If there are sufficient names remaining in the pool to fill future re-rental, the applicant pool shall be maintained as an ordered waiting list with all new pre-qualified applicants added to the list in the order that they were received.
6. When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

III. Marketing

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

- White (non-Hispanic)
 Black (non-Hispanic)
 Hispanic
 American Indian or Alaskan Native
 Asian or Pacific Islander
 Other group:

3b. Housing Resource Center

www.njhousing.gov A free, online listing of affordable housing
 TOLL-FREE CALL CENTER: 1-877-428-8844
 New Jersey Housing and Mortgage Finance Agency
 637 South Clinton Avenue, P.O. Box 18550, Trenton, NJ 08625

3c. Commercial Media (required) (Check all that applies)

	Duration & Frequency of Outreach	Names of Regional Newspaper(s)	Circulation Area
Targets Entire Housing Region 4			
Newspaper			
X	One display ad per week for four consecutive weeks, beginning at the start of the marketing process	Asbury Park Press	Monmouth, Mercer, and Ocean Counties (Online)
X	One display ad per week for four consecutive weeks, beginning at the start of the marketing process	The Beacon	Ocean County
Housing Search Websites			
X	One listing to run for the duration of the marketing period.	Zillow.com	Statewide
X	Posted as units are available and listings to run for the duration of the marketing period.	Apartments.com	Statewide
X	One listing to run for the duration of the marketing period.	Barnegat Township municipal website	Statewide
Social Media Websites and Platforms			

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X	Posted as units are available and listings to run for the duration of the marketing period.	Facebook – Affordable Housing Provider	Statewide
Targets Partial Housing Region 4			
X	One display ad per week for four consecutive weeks, beginning at the start of the marketing process	The Press of Atlantic City	Ocean County, Atlantic County, Monmouth County
Targets Entire Housing Region 4			
3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Duration & Frequency of Outreach	Racial/Ethnic Identification of Readers/Audience	Outreach Area
Fair Share Housing Center	Ongoing as needed	N/A	Statewide
New Jersey State Conference of NAACP	Ongoing as needed	African-American	Statewide
The Latino Action Network	Ongoing as needed	Hispanic	Statewide
Toms River Area NAACP	Ongoing as needed	African-American	Ocean County
Trenton Branch NAACP	Ongoing as needed	African-American	Mercer County
Asbury Park/Neptune NAACP	Ongoing as needed	African-American	Monmouth County
Supportive Housing Association	Ongoing as needed	N/A	Statewide

IV. Applications

Applications for affordable housing for the above units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that apply)		
	Building	Location
X	Ocean County Library System	101 Washington Street Toms River, NJ 08753, 732-349-6200. Director: Susan Quinn.
X	Monmouth County Library System	125 Symmes Drive, Manalapan, NJ 07726, (609) 267-9660; Director: Robin Wood, 732-431-7220 x7235
X	Monmouth County Administration Building	1 E Main St, Freehold, NJ 07728 Contact: (732) 431-7384. County Administrator: Teri O'Connor, toconnor@co.monmouth.nj.us
X	Mercer County Library System	2751 Brunswick Pike, Lawrence Township, NJ 08648. Director: Ellen Brown, director@mcl.org , (609) 883-8296
X	Mercer County Administration / Courthouse Building	640 South Broad Street P.O. Box 8068 Trenton, NJ 08650-0068. County Administrator: Christopher R. Marion, cmarion@mercercounty.org
X	Ocean County Administration Building	101 Hooper Ave, Toms River, NJ 08753 (732)-929-2147. County Administrator: Michael J. Fiure, (732)-506-5362,
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		
Barnegat Township 900 West Bay Avenue Barnegat, NJ 08005		

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Martin Lisella – Administrator
www.barneгат.net

4c. Sales/Rental Office for units (if applicable)

V. Certifications and Endorsements

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Township's substantive certification.



March 2, 2026

Signature

Date

Christopher N. Dochney, PP, AICP

Township Housing Planner

Name (Type or Print)

Title/Municipality

DASTI & STAIGER

Christopher J. Dasti
Lauren R. Staiger

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Brandon S. Straight

*Also admitted in NY

File No. GL-3317

March 3, 2026

Via Email

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

RE: IMO Application of Township of Barnegat

Dear Donna:

Enclosed please find a proposed Resolution adopting the Affirmative Marketing Plan for affordable housing. It can be placed on the agenda for the next Township Committee meeting.

Should 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: Pat Papi, Mayor-via email
Martin Lisella, Township Administrator-via email
Kurt J. Otto, P.E., Township Engineer-via email
Jason Worth, P.E., T&M Associates-via email
Christopher Dochney, PP, AICP-via email
Stacey Cole, Planning Board Secretary-via email

RESOLUTION 2026-138

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 at a Regular meeting on March 3, 2026

Donna M. Manno, RMC
Municipal Clerk