

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

**REGULAR MEETING AGENDA**

**DECEMBER 6, 2016, 6:30 PM**

**1. Call to Order**

**2. Provisions of the Open Public Meetings Law:**

Pursuant to the requirements of the Open Public Meetings Law, adequate Public Notice of this meeting has been given:

- By publication in the official newspapers of the date, time and location of this meeting more than 48 hours in advance, and
- By posting advance written notice on the Official Bulletin Board in the Municipal Building, and in the office of the Township Clerk for the purpose of Public inspection.

**3. Roll Call of Officials Present:**

Committeeman Caputo –  
Committeeman Cirulli -  
Committeewoman McCabe –  
Deputy Mayor Bille -  
Mayor Novak –

**4. Salute to the Flag: Led by Commander John Rivers, and members of the VFW Post #10092**

**Invocation:**

**Essay contest awards presented by VFW Post Commander John Rivers, and Committee Chairman Jake Taylor**

**Presentation of The Patriot's Pen essay contest:**

***"The America I Believe In"***

**3<sup>rd</sup> Place – Chidinma Mbah**

**2<sup>nd</sup> Place – Bayleigh Docherty**

**1<sup>st</sup> Place – Katherine Polo**

**Presentation of the Voice of Democracy essay contest:**

***"My Responsibility to America"***

**Jessica Pereira**

## 5. Committee Reports

## 6. Mayor's Report

**Motion to open Public Comment:**

**Second:**

**Motion to close Public comment:**

**Second:**

## 7. Old Business

### **Ordinance 2016-29 (Second Reading)**

An Ordinance amending and supplementing Chapter 74, Article II of the Township Code entitled "Water/Sewer Utility"; Section 14 entitled "User Charges"

**Motion to Open Public Comment:**

**Second:**

**Motion to Close Public comment:**

**Second:**

**Motion to adopt ordinance:**

**Second:**

**Roll Call:**

Caputo:

Cirulli:

McCabe:

Bille:

Novak:

### **Ordinance 2016-30 (Second Reading)**

An Ordinance amending and supplementing Chapter 74, Article I of the Township Code entitled "Sewer Use Rules and Regulations"; Section 7 entitled "Sewer Use Charges"

**Motion to Open Public Comment:**

**Second:**

**Motion to Close Public comment:**

**Second:**

**Motion to adopt ordinance:**

**Second:**

**Roll Call:**

Caputo:

Cirulli:

McCabe:

Bille:

Novak:

### **Ordinance 2016-31 (Second Reading)**

An Ordinance authorizing acquisition of vacant property known and designated as Block 47 Lot 11.02, 9 Prince Road for no consideration

**Motion to Open Public Comment:**

**Second:**

**Motion to Close Public comment:**

**Second:**

**Motion to adopt ordinance:**

**Second:**

**Roll Call:**

Caputo:

Cirulli:

McCabe:

Bille:

Novak:

**Ordinance 2016-32 (Second Reading)**

An Ordinance regulating the statutory authority of Verizon New Jersey, Inc., its successors and assigns to renew a five (5) year easement agreement

**Motion to Open Public Comment:** **Second:**  
**Motion to Close Public comment:** **Second:**

**Motion to adopt ordinance:** **Second:**  
**Roll Call:** Caputo: Cirulli: McCabe:  
Bille: Novak:

**Ordinance 2016-33 (Second Reading)**

An Ordinance authorizing the sale of property known and designated as 12 Highland Drive, aka Block 97 Lot 8 of the Township

**Motion to Open Public Comment:** **Second:**  
**Motion to Close Public comment:** **Second:**

**Motion to adopt ordinance:** **Second:**  
**Roll Call:** Caputo: Cirulli: McCabe:  
Bille: Novak:

**8. New Business**

Approval of the Regular Committee Meeting Minutes of November 15, 2016

**Motion to approve minutes:** **Second:**  
**Roll Call:** Caputo: Cirulli: McCabe:  
Bille: Novak:

**9. Formal Action Agenda**

**Resolution 2016-412**

Resolution authorizing payment of Bill List in the amount of \$4,665,538.79

**Motion to adopt resolution:** **Second:**  
**Roll Call:** Caputo: Cirulli: McCabe:  
Bille: Novak:

**Resolution 2016-413**

Resolution requesting a Chapter 159 be added to the 2016 budget for Drive Sober or Get Pulled Over Year End Holiday Crackdown in the amount of \$5,000.00

**Motion to adopt resolution:**

**Roll Call:** Caputo:

Bille:

Cirulli:

Novak:

**Second:**

McCabe:

**10. Consent Agenda:**

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

Approval of the Italian & American Club to hold on premise 50/50 at their meetings on the fourth Friday of the month in 2017

**Resolution 2016-414**

Resolution authorizing a refund of premiums paid at tax sale on various Blocks and Lots

**Resolution 2016-415**

Resolution authorizing the Tax Collector to complete application for Electronic Tax Sale for 2017

**Resolution 2016-416**

Resolution authorizing the Tax Collector to refund overpayment on tax account on Block 92.52 Lot 9, 11 Chance Drive

**Resolution 2016-417**

Resolution authorizing a lien be placed on certain properties for failure to comply with Obnoxious Growth violations

**Resolution 2016-418**

Resolution authorizing the Acting Chief of Police as custodian of the Police Department Petty Cash Fund

**Resolution 2016-419**

Resolution authorizing an extension of medical leave of absence to Linda Bernal

**Resolution 2016-420**

Resolution authorizing acceptance and execution of a memorandum of agreement with Video Pipe Services, Inc.

**Resolution 2016-421**

Resolution authorizing a road opening moratorium waiver for Block 114.14 Lot 68, 20 Commodore Court, Richard Cerulli

**Resolution 2016-422**

Resolution authorizing a road opening moratorium waiver for Block 114.19 Lot 14, 27 Nautilus Avenue, Mandrake Properties

**Resolution 2016-423**

Resolution authorizing the release of Road Opening Bond for Block 114.04 Lot 1, 1 Compass Lane

**Resolution 2016-424**

Resolution authorizing the release of Maintenance Bond to Walters Homes, for Ocean Acres Phase 5

**Resolution 2016-425**

Authorizing the refund of escrow deposits to Cliff Schoenberger

**Resolution 2016-426**

Resolution authorizing an Outdoor Facility Usage and Hold Harmless Application for Township parks and facilities

**Resolution 2016-427**

Resolution authorizing the Police Department to purchase equipment for technology work to be performed to Browns Heating & Cooling, Rack Solutions and Nevron Electrical in the total amount of \$6,334.00

**Resolution 2016-428**

Resolution authorizing the Administrator to sign a contract for a 48 month lease with CIT Bank for one (1) kyocera/duplitron copier for the planning/zoning department in the amount of \$166.91/month

**Resolution 2016-429**

Resolution authorizing the Administrator to sign a contract for a 48 month lease with CIT Bank for one (1) Kyocera/Duplitron copier for the Recreation Department in the amount of \$166.91/month

**Resolution 2016-430**

Resolution authorizing the Administrator to sign a contract for a 48 month lease with CIT Bank for three (3) kyocera/duplitron copiers for the Police Department in the amount of \$323.46/month

**Resolution 2016-431**

Resolution authorizing the Administrator to purchase one (1) kyocera/duplitron manual desktop folding device for the Tax Collector & Water Sewer Utility collection department in the amount of \$2,249.00

**Resolution 2016-432**

Resolution authorizing the Township Clerk to advertise for the receipt of bids for the purchase of a portable trailer mounted message sign board for the Police Department

**Resolution 2016-433**

Resolution authorizing the Township Clerk to advertise for the receipt of bids for the purchase of Bell Mine and/or Carmeuse Hydrated High Calcium Lime for the Water & Sewer Department

**Resolution 2016-434**

Resolution proclaiming January 2017 as Radon Action Month

**Resolution 2016-435**

Resolution supporting Senate Bill S981, and Assembly Bill A2375 amending the NJ Electronic Waste Management Act

**Resolution 2016- 436**

Resolution authorizing the Administrator to sign an agreement with Comcast Business for security cameras at the Project Playground for \$104.90/month

**Resolution 2016-437**

Resolution supporting the Drive Sober or Get Pulled Over Year End Holiday Crackdown drunk driving enforcement December 9, 2016 – January 1, 2017

**Resolution 2016-438**

Resolution authorizing the acquisition of property by the Ocean County Natural Lands Trust Fund

**Resolution 2016-439**

Resolution authorizing the release of Escrow Funds to K. Hovnanian at Fifth Avenue, LLC for the Fifth Avenue Tract (Sea Crest Pines) project Section 1

**Resolution 2016-440**

Resolution authorizing the release of Escrow Funds to K. Hovnanian at Fifth Avenue, LLC for the Fifth Avenue Tract (Sea Crest Pines) project Section 2

**Resolution 2016-441**

Resolution authorizing the release or Performance Guarantess to K. Hovnanian at Fifth Avenue, LLC for the Fifth Avenue Tract (Sea Crest Pines) project Section 1

**Resolution 2016-442**

Resolution authorizing the release or Performance Guarantess to K. Hovnanian at Fifth Avenue, LLC for the Fifth Avenue Tract (Sea Crest Pines) project Section 2

**Resolution 2016-443**

Resolution of approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation (NJDOT) for the FY 2017 municipal aid program "Reconstruction of Pine Oak Boulevard"

**Motion to Adopt Consent Agenda:**

**Roll Call:** Caputo:  
Bille:

Cirulli:  
Novak:

**Second:**

McCabe:

**11. Discussion items by the Township Committee:**

**Resolution 2016-444**

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

**Motion to adopt resolution:**

**Roll Call:** Caputo:  
Bille:

Cirulli:  
Novak:

**Second:**

McCabe:

**12. Motion to Adjourn:**

**Second:**

## **ORDINANCE 2016-29**

### **AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 74, ARTICLE II, OF THE TOWNSHIP CODE ENTITLED, "WATER/SEWER UTILITY"**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has been involved in discussions and review of the existing water utility funds with the Township Certified Financial Officer (hereinafter referred to as the "CFO"); and

**WHEREAS**, after careful review of a Water/Sewer Rate Study performed by our Township Auditors with the necessary assumption of 3% annual rate increases, the Township finds it necessary and appropriate to modify and increase the Township water user rates in order to be certain that the Township water and sewer utility fund remains a self-liquidating fund.

**NOW, THEREFORE, BE IT ORDAINED BY** the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** The Township amends and supplements Chapter 74 of the Township Code entitled, "Water/Sewer Utility", in particular Sections 74-14 entitled "User Charges", to implement, effective January 1, 2017, the user rates throughout Barnegat Township. The water user rates attached hereto and made a part herein are incorporated herein below.

#### **Section 74.14 User Charges**

- A. All residential, commercial, industrial, institutional and governmental users shall be charged a minimum fee (except as provided by 74.14C) based upon the size of the meter and a uniform excess usage charge based upon gallons used. The minimum charges for each water user shall be based upon the size of the meter as follows:
- (1) Five eighths (5/8) of an inch or three quarters (3/4) of an inch: A minimum quarterly charge of forty-five dollars (\$45.00).
  - (2) One (1) inch meter: A minimum quarterly charge of eighty-five dollars (\$85.00).
  - (3) One and one-half (1 ½) inch meter: A minimum quarterly charge of one hundred twenty-eight dollars (\$128.00).
  - (4) Two (2) inch meter: A minimum quarterly charge of one hundred seventy dollars (\$170.00)

(5) Three (3) inch meter: A minimum quarterly charge of one hundred seventy dollars (\$170.00)

(6) Four (4) inch meter: A minimum quarterly charge of one hundred seventy dollars (\$170.00)

B. Excess water user charges. All users shall be charged a uniform excess gallonage charge in addition to the minimum billing charge for all water usage which exceeds fifteen thousand (15,000) gallons per quarter. The excess charges shall be as follows:

(1) Excess over fifteen thousand (15,000) gallons to and including twenty-five thousand (25,000) gallons one dollar nineteen cents (\$1.19) per thousand (1,000) gallons.

(2) Excess over twenty-five thousand one (25,001) gallons to and including fifty thousand (50,000) gallons two dollars thirty-seven cents (\$2.37) per one thousand (1,000) gallons.

(3) Excess over fifty thousand one (50,001) gallons to and including one hundred thousand (100,000) gallons, three dollars fifty-six cents (\$3.56) per one thousand (1,000) gallons.

(4) Over one hundred thousand one (100,001) gallons, four dollars seventy-four cents (\$4.74) per one thousand (1,000) gallons.

C. Reduced rates for senior citizens and the permanently and totally disabled.

Effective January 1, 2000, all residential users who meet the criteria established in N.J.S.A. 40A:31-10.1 shall be charged a reduced minimum fee based upon the size of the meter and the uniform excess usage charge based upon gallons used as provided by 74-14B. The minimum charge for each qualified residential user shall be based upon the size of the meter as follows:

(1) Five eighths (5/8) of an inch or three quarter (3/4) of an inch: A minimum quarterly charge of thirty-seven dollars (\$37.00)

(2) One (1) inch meter: A minimum quarterly charge of seventy-two dollars (\$72.00)

(3) One and one-half (1 ½) inch meter: A minimum quarterly charge of one hundred eight dollars (\$108.00)

(4) Two (2) inch meter: A minimum quarterly charge of one hundred forty-three dollars (\$143.00)

(5) Three (3) inch meter: A minimum quarterly charge of one hundred forty-three dollars (\$143.00)

(6) Four (4) inch meter: A minimum quarterly charge of one hundred forty-three dollars (\$143.00)

E. Turn-on and turn-off charges: All customers shall be required to pay a forty-eight dollar (\$48.00) charge to turn-on and turn-off water service.

G. Fire hydrant charges: There is hereby established a fee of one hundred sixty-one dollars (\$161.00) per annum for each fire hydrant serviced by the Barnegat Water/Sewer Utility. The Township owned fire hydrants shall be exempt from the within fire hydrant charges.

**SECTION 2.** The Township amends and supplements Chapter 74 of the Township Code entitled, "Water/Sewer Utility", in particular Sections 74-16 entitled "Connection Fees", to implement, effective January 1, 2017, the user rates throughout Barnegat Township. "The Meter Base Rate Charges" are hereby amended and supplemented to reflect the charges to be incurred pursuant to Schedule A attached hereto and made a part hereof.

**SECTION 3.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 4.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5.** This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **November 15, 2016 at 6:30 p.m.**, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **December 6, 2016, at 6:30p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

  
MICHELE RIVERS, RMC, Township Clerk

**CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Ordinance was duly adopted on second reading by the Barnegat Township Committee at their meeting held on the 6<sup>th</sup> day of December 2016.

A handwritten signature in black ink, appearing to be 'Michele Rivers', written over a horizontal line.

Michele Rivers, RMC Municipal Clerk

<b>METER BASE RATE CHARGES</b>	<b>AMENDED FEE</b>
5/8" METER	\$45.00
1" METER	\$85.00
1-1/2" METER	\$128.00
2" METER	\$170.00
3" METER	\$232.00
4" METER	\$289.00
6" METER	\$361.00
8" METER	\$454.00
10" METER	\$567.00
12" METER	\$706.00

## **ORDINANCE 2016-30**

### **AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 74, "WATER/SEWER UTILITY" ARTICLE I, OF THE TOWNSHIP CODE ENTITLED, "SEWER USE RULES AND REGULATIONS"**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has been involved in discussions and review of the existing sewer utility funds with the Township Certified Financial Officer (hereinafter referred to as the "CFO"); and

**WHEREAS**, after careful review of a Water/Sewer Rate Study performed by the Township Auditors with the necessary assumption of 3% annual rate increases, the Township finds it necessary and appropriate to modify and increase the Township sewer user rates in order to be certain that the Township water and sewer utility fund remains a self-liquidating fund.

**NOW, THEREFORE, BE IT ORDAINED BY** the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** The Township amends and supplements Chapter 74 of the Township Code entitled, "Water/Sewer Utility", in particular Section 74-7 entitled, "Sewer Use Charges" to implement, effective January 1, 2017, the user rates throughout Barnegat Township. The user rates attached hereto and made a part herein are incorporated herein by reference as if set forth more fully herein.

#### **Section 74.7 Sewer use charges, connection fees, and development inspection fees.**

- A. User Charge. There is hereby established an annual user charge for each "dwelling unit" or "equivalent dwelling unit" within the Barnegat Township Municipal Sewerage Collection System in the amount of Four hundred twenty-eight dollars (\$428.00) per annum. Sewer user charges shall be payable quarterly in advance and no later than January 15<sup>th</sup>, April 15<sup>th</sup>, July 15<sup>th</sup>, and October 15<sup>th</sup> of each year.

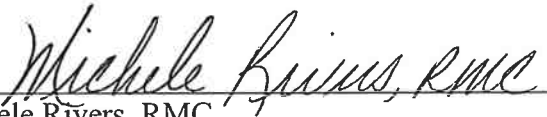
**SECTION 2.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 3.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 4.** This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

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\_\_\_\_\_  
Michele Rivers, RMC  
Township Clerk

**CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Ordinance was duly adopted on second reading by the Barnegat Township Committee at their meeting held on the 6<sup>th</sup> day of December 2016.

\_\_\_\_\_  
Michele Rivers, RMC  
Township Clerk

Existing RateIncreaseProposed Rate

## Chapter 74, Article I, Section 74-7:

A.

416.00

3%

428.00

## Chapter 74, Article II, Section 74-14:

A. (1)

43.00

3%

45.00

A. (2)

82.00

3%

85.00

A. (3)

124.00

3%

128.00

A. (4)

165.00

3%

170.00

A. (5)

165.00

3%

170.00

A. (6)

165.00

3%

170.00

B. (1)

1.15

3%

1.19

B. (2)

2.30

3%

2.37

B. (3)

3.45

3%

3.56

B. (4)

4.60

3%

4.74

C. (1)

35.00

3%

37.00

C. (2)

69.00

3%

72.00

C. (3)

104.00

3%

108.00

C. (4)

138.00

3%

143.00

C. (5)

138.00

3%

143.00

C. (6)

138.00

3%

143.00

E.

46.00

3%

48.00

G.

156.00

3%

161.00

**ORDINANCE 2016-31**

**ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING ACQUISITION FOR NO CONSIDERATION OF VACANT PROPERTY KNOWN AND DESIGNATED AS BLOCK 47, LOT 11.02 WITHIN THE TOWNSHIP OF BARNEGAT**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has been contacted by representatives of the owner of Block 47, Lot 11.02, Barnegat Township, New Jersey a/k/a Prince Road, formerly Sunset Road (hereinafter referred to as the "property"); and

**WHEREAS**, Beatrice Zeidel is the assessed owner of real property, which is vacant land in the Township of Barnegat; and

**WHEREAS**, the representatives of the property owner have requested that the Township consider accepting the property for no consideration, free and clear of any liens or encumbrances; and

**WHEREAS**, it appears that the property is not buildable because of environmental issues, and the fact that there are no sanitary sewer or city water services that can be provided to this property, which is located to the south of Route 72 and to the west of Route 539, approximately 1.26 acres in size, and currently "fronting" on an unimproved drift road; and

**WHEREAS**, the Township believes that acquiring the property for no consideration would assist in adding to its open space inventory; and

**WHEREAS**, the Township believes that acquiring this property is in the long-term best interests of the Township, its residents and the taxpayers of the Township.

**DASTI, MURPHY  
McGUICKIN, ULAKY,  
KOUTSOURIS & CONNORS**

**COUNSELLORS AT LAW**

**620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731**

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

**SECTION 1.** For no consideration to be paid to the property owner, the Township authorizes acquisition of the aforementioned vacant property. The Deed and Affidavit of Title to be executed by the seller's shall be prepared by the Township Solicitor.

**SECTION 2.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of this ordinance.

**SECTION 3.** No debt is authorized by the enactment and passage of this Ordinance.

**SECTION 4.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.


**DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

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Michele Rivers, RMC  
Township Clerk

## CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Ordinance was duly adopted on second reading by the Barnegat Township Committee at their meeting held on the 6<sup>th</sup> day of December 2016.

\_\_\_\_\_  
Michele Rivers, RMC  
Township Clerk

Prepared by:

**DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
  
COUNSELLORS AT LAW  
  
620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

**DASTI, MURPHY, McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
Forked River, New Jersey 08731

Ordinance re Exchange of PropertyZ:\CLIENT MATTERS - GL\Barnegat\SPECIAL GENERAL [RETAINER]\GL-25331 Prince Rd-Zeidel\Ordinance re Exchange of Property.docx

## **ORDINANCE 2016-32**

### **AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF BARNEGAT, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF**

**BE IT ORDAINED** by the Township of Barnegat, County of Ocean, State of New Jersey that;

**SECTION 1:** Pursuant to N.J.S.A 48:17-10, N.J.S.A 48:17-11, and N.J.S.A 48:17-12 permission and consent is hereby granted to Verizon New Jersey Inc., (the "Company"), it successors and assigns, to install, operate, inspect, maintain, repair, replace and remove its communications facilities and other transmission or process equipment, including underground facilities, such as conduits, manholes, cables, wires and all other facilities appurtenant thereto, and above-ground facilities, such as cables, wires, antennas, poles, posts supports, guys, pedestals, cable termination and distribution cabinets and all other facilities appurtenant thereto, in, through upon, along, over, under, and across all of the various public streets and ways, which include the roads, avenues, right-of-way, sidewalks, highways, bridges, waterways, and other public places, and parts thereof, throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Township of Barnegat (the "Township") for said Company's local and through lines and other communications facilities in connection with the transaction of business. In the event that any public street or way where the Company has facilities is vacated by the Township, the Township agrees to reserve unto said Company the rights granted the Company by the present Ordinance; and

**SECTION 2:** All poles, posts, pedestals, cabinets or other facilities shall be located and placed back of the curb lines where shown on the official map(s) of the Township, the poles and posts, however, shall be located within eighteen (18) inches of the face of such curb line or as may otherwise be mutually agreed by both parties or required by law, or at the points or places now occupied by the poles, posts, pedestals, cabinets or other facilities of the Company, its successors and assigns, and where there are no curb lines, at other convenient points or places in, upon, along, adjacent, or across the public streets and ways as may be mutually agreed upon between the parties; and

**SECTION 3:** The Company may bury its local and through communications facilities such as cables, conduit, manholes and associated equipment, fixtures, process equipment and appurtenances within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties for said Company's local and through lines and communications facilities. Underground conduits and associated facilities, as aforementioned, shall be placed at least eighteen

(18) inches below the surface of said public street and ways and with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities, as aforementioned, which the Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

**SECTION 4:** Before proceeding with any new construction or relocation work in an area covered by this Ordinance, the Company shall give prior notice in writing thereof to the Township, through its designated representative, of its intention to perform such work. The Company shall obtain such street opening or excavation permits as may be lawfully required by any applicable ordinances regulating such openings or excavations. Any such area affected by the Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work.

**SECTION 5:** The Company agrees to indemnify and save harmless the Township from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of road conditions resulting from and negligent or faulty excavations, installation or maintenance connected with the work or equipment of said Company, and not attributable to the fault or negligence of the Township, except that if such injury or damage shall be caused by the joint or concurring negligence or fault of the Company and the Township, the same shall be borne by them to the extent of their respective fault or negligence.

**SECTION 6:** Whenever a curb line shall be established on streets where one does not now exist or where an established curb line shall be relocated in order to widen an existing street in conjunction with road construction being performed by the Township the Company shall change the location of its above-ground facilities covered by this Ordinance in accordance with applicable law, so that the same shall be back of, and adjacent to, the new curb line so long as the Township has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof.

**SECTION 7:** Any company or corporation having legal authority to place its facilities in the public streets and ways of the Township may jointly use the Company's poles, posts, pedestals or other structures for all lawful purposes, provided the Company consents to such use, on terms and conditions acceptable to the Company and not inconsistent with the provisions of the present Ordinance.

**SECTION 8:** The Company shall provide space, to the extent available, on its poles so long as said poles are occupied by the Company and space, to the extent available, in its main conduits existing on the date of passage of this Ordinance, but not exceeding one (1) duct of standard size, for the sole benefit of the Township during the pendency of this Ordinance. Such space shall be provided for the exclusive use of the Township which use shall be limited to accommodating the wires or electrical conductors required for one-way signal control in connection with municipal police patrol, fire alarm signal control and traffic signal control systems only; but for no other uses or purposes, either alone or in conjunction therewith; nor for circuits for the supply of electrical energy for traffic or other signals; nor for wires, conductors, cable or the equivalent which provide a means of transmitting any signal to a private, commercial or residential location, and which is normally provided by a nongovernmental supplier; provided, further that no such use or attachment by the Township shall interfere with the plant or facilities of or the use thereof by the Company. All costs or expenses incurred by the Company in connection therewith shall be paid by the Township. It shall be the obligation of the Township to attach its wires to the poles or place its electric conductors in the conduits or manholes of the Company, provided that before proceeding with said work, either by itself or by a person, firm or corporation engaged to perform such work, the Township shall give the Company thirty (30) days prior notice in writing. All such work shall be performed under the supervision of said Company. The Township agrees to indemnify and save harmless the Company from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of the Township's installation maintenance, operation or removal of wires or facilities or the Township's use or enjoyment of the Company's plant or facilities as provided under this section, except that if such injury or damage shall be caused by joint or concurring negligence of the Company and Township, the same shall be borne by them to the extent of their respective fault or negligence.

**SECTION 9:** If any or all of the said streets or ways are later taken over by the County of Ocean or the State of New Jersey, such County or State shall have such rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the Township, provided, however, that satisfactory prior arrangements as may be necessary are made with the Township and the Company for full protection of the respective interest of each.

**SECTION 10:** The term "Township" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Township or any part thereof may at any time hereafter be changed, annexed, or merged.

**SECTION 11:** The permission and consent hereby granted shall apply to and cover all communications facilities of the Company existing at any time, and related structures, process equipment, and appurtenances heretofore or hereafter erected, constructed, reconstructed, removed, located, relocated, replaced, maintained, repaired, or operated by the Company, its predecessors, successors, or assigns within the Township. This Ordinance shall cancel and supersede all prior consent ordinances between the Township and the Company regarding the subject matter hereof.

**SECTION 12:** This Ordinance shall continue in full force and effect for a period of Five (5) years from the date it becomes effective subject to the right of the Company to seek such changes herein as may be deemed necessary from time to time prior to the expiration of said period, said changes to be approved by the Township. The Company shall maintain its property within the township and shall comply with applicable law for the provision of safe, adequate and proper service at just and reasonable rates at and after the term of this ordinance, the Company shall safeguard the public interest in continuous and uninterrupted service within the Township.

**SECTION 13:** In the event that any provision herein shall for any reason be illegal or unenforceable under applicable law, such illegality or unenforceability shall not affect any other provisions of this Ordinance, and this ordinance shall construed as if such illegal or unenforceable provision(s) had never been contained herein.

**SECTION 14:** The Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the Company has received a bill for said advertising from the publisher. Following final passage of this Ordinance, the Township Clerk shall provide the Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance thereof by the Company and approval thereof by the Board of Public Utilities.

### NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **November 15, 2016 at 6:30 p.m.**, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **December 6, 2016, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

  
Michele Rivers, RMC  
Township Clerk

**CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Ordinance was duly adopted on second reading by the Barnegat Township Committee at their meeting held on the 6<sup>th</sup> day of December 2016.

\_\_\_\_\_  
Michele Rivers, RMC  
Township Clerk

**ORDINANCE 2016-33**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF  
NEW JERSEY AUTHORIZING THE SALE OF PROPERTY  
KNOWN AND DESIGNATED AS 12 HIGHLAND DRIVE, A/K/A/  
BLOCK 97, LOT 8, BARNEGAT TOWNSHIP, NEW JERSEY**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the “Township”) has listed for sale vacant property owned by the Township known and designated as Block 97, Lot 8 a/k/a 12 Highland Drive, Barnegat Township, Ocean County, New Jersey (hereinafter referred to as the (“property”); and

**WHEREAS**, the Township has received a bonafide offer of \$42,000.00 to purchase the property in its “as is” condition; and

**WHEREAS**, the Township believes that the purchase price of \$42,000.00 is appropriate and fair under the circumstances; and

**WHEREAS**, a true copy of the contract is on file at the office of the Township Clerk and can be reviewed during normal business hours; and

**WHEREAS**, the proposed purchaser is Martin Salaj Mason Construction, of Jackson, New Jersey; and

**WHEREAS**, the Township and its professional staff find that the proposed contract is acceptable; and

**WHEREAS**, adoption of this Ordinance authorizing a sale and conveyance of the property is in strict accordance with the requirements set forth in N.J.S.A. 40A:12-13, *et seq.*

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

**DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

**SECTION 1.** The Township authorizes a sale of the vacant subject property in consideration of \$42,000.00 in accordance with the terms of the contract for sale, a true copy of which is on file at the office of the Township Clerk and can be reviewed during normal business hours.

**SECTION 2.** The Township Committee authorizes the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Ordinance.

**SECTION 3.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION 4.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5.** This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

### NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **November 15, 2016 at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **December 6, 2016, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

  
MICHELE RIVERS, RMC, Township Clerk

DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

## CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Ordinance was duly adopted on second reading by the Barnegat Township Committee at their meeting held on the 6<sup>th</sup> day of December 2016.

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Michele Rivers, RMC  
Township Clerk

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,**  
**KOUTSOURIS & CONNORS**  
Forked River, New Jersey 08731

**DASTI, MURPHY**  
**McGUCKIN, ULAKY,**  
**KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

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**RESOLUTION 2016-413**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION N.J.S.A. 40A:4-87**

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

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

**THEREFORE, BE IT RESOLVED**, that the Township Committee of The Township of Barnegat in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016, in the sum of \$5,000.00, which is now available, for the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*.

**BE IT FURTHER RESOLVED** that the like sum of \$5,000.00 is hereby appropriated under the caption *Drive Sober or Get Pulled Over Year End Holiday Crackdown* from 12/09/2016 to 1/1/2017;

**BE IT FURTHER RESOLVED** that the above is the result of funds from the State of New Jersey, Division of Highway Traffic Safety *Drive Sober or Get Pulled Over Year End Holiday Crackdown* in the amount of \$5,000.00.

Resolution No. 2016-413

Offered by \_\_\_\_\_ Seconded by \_\_\_\_\_

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

**CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat in the County of Ocean, New Jersey do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Township of Barnegat on December 6, 2016.

\_\_\_\_\_  
Michele Rivers, RMC  
Municipal Clerk

[illegible]

**RESOLUTION 2016-414**

**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, the Treasurer is directed to draft checks accordingly, and the Collector to adjust her records for the following properties:

Block 114.27 Lot 28; 11 Anchor Road  
Block 114.52 Lot 8; 42 Lexington Boulevard  
Block 114.42 Lot 10; 15 Powderhorn Drive

Block 116.09 Lot 10; 84 Deer Run Drive S.  
Block 95.36 Lot 2; 49 Pond View Circle

**CERTIFICATION**

I, Michele A. Rivers, Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat New Jersey on December 6, 2016

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Michele A. Rivers, RMC  
Municipal Clerk

## **RESOLUTION 2016-415**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY FOR PARTICIPATION IN ELECTRONIC TAX SALE FOR 2017**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for the pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Township of Barnegat wishes to participate in the pilot program for an electronic tax sale in February 2017

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

### **CERTIFICATION**

I, Michele A. Rivers, 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 December 6, 2016

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Michele Rivers, RMC  
Municipal Clerk

**RESOLUTION 2016-416**

**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 92.52 Lot 9, address 11 Chance Dr. in the amount of \$2,156.04, for the 4<sup>th</sup> quarter 2016 tax bill in error and,

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

WHEREAS, a request for a refund of the overpayment made on November 8, 2016 has been requested and proof of payment received,

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

Joseph & Tara Rider  
11 Chance Dr.  
Barnegat, NJ 08005

and 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 \$2,156.04 and the Tax Collector to adjust her records accordingly

**CERTIFICATION**

I, Michele A. Rivers, 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 December 6, 2016.

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Michele Rivers, RMC  
Municipal Clerk

**RESOLUTION 2016-417**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING A LIEN BE PLACED ON VARIOUS PROPERTIES FOR FAILURE  
TO COMPLY WITH OBNOXIOUS GROWTH VIOLATIONS.**

**WHEREAS**, the following properties have received a notice that their property was in violation of Chapter 36 of the Code and the Township of Barnegat, and

**WHEREAS**, the property owners failed to abate the violation within the time limits, and Public Works Department cut the grass and abated the violation, now

**THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Tax Collector is hereby authorized to place a Municipal Lien on the following properties:

<u>Property Location</u>	<u>Block and Lot(s)</u>	<u>Lien Amount</u>
74 Georgetown Blvd.	114.32/43	\$256.60

**CERTIFICATION**

I, Michele A. Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee of the Township of Barnegat at their regular meeting held on the 6<sup>th</sup> day of December 2016 in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

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Michele A. Rivers, RMC  
Municipal Clerk

## **RESOLUTION 2016-418**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, CHANGING THE CUSTODIAN OF THE POLICE DEPARTMENT PETTY CASH FUND**

**WHEREAS**, Chief Arthur Drexler was the custodian of the Police Department's Petty Cash Fund; and,

**WHEREAS**, in accordance with N.J.S.A. 40A:5-21, the Township of Barnegat is changing custodians to Acting Chief of Police Richard Dugan; and

**WHEREAS**, Acting Chief of Police Richard Dugan is bonded by virtue of a surety bond; and

**NOW, THEREFORE, BE IT RESOLVED**, on this 6<sup>th</sup> day of December 2016 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that two (2) copies of this resolution be filed with the Division of Local Government Services, NJ Department of Community Affairs for approval.

### **CERTIFICATION**

I, Michele Rivers, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey certify that the foregoing resolution was duly adopted by the Township of Barnegat at a meeting held in the Municipal Complex at 900 West Bay Avenue, Barnegat, NJ on December 6, 2016

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Michele Rivers, RMC  
Municipal Clerk

## **RESOLUTION 2016-419**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN EXTENSION OF MEDICAL LEAVE TO LINDA BERNAL**

**WHEREAS**, Resolution 2016-407 was already approved by the Township Committee of the Township of Barnegat authorizing a medical leave from November 4, 2016 – November 28, 2016,

**WHEREAS**, Linda Bernal is requesting an extension of that medical leave; and

**THEREFORE BE IT RESOLVED** by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that an extension of a medical leave is hereby granted to Linda Bernal, from November 28 to December 30, 2016.

### **CERTIFICATION**

I, Michele Rivers, 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 on the 6<sup>th</sup> day of December 2016.

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Michele Rivers, RMC  
Municipal Clerk

**RESOLUTION 2016-420**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF BARNEGAT, COUNTY OF  
OCEAN, STATE OF NEW JERSEY AUTHORIZING  
ACCEPTANCE AND EXECUTION OF A  
MEMORANDUM OF AGREEMENT BY AND BETWEEN  
THE TOWNSHIP OF BARNEGAT AND VIDEO PIPE  
SERVICES, INC.**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has previously awarded a Contract to Video Pipe Services, Inc. (hereinafter referred to as the "Contractor") for sanitary sewer pipe repair services; and

**WHEREAS**, the Contract by and between the Township and Contractor was executed on or about September 23, 2013, and the Maintenance Bond insuring compliance with all improvements expired on November 14, 2016; and

**WHEREAS**, the original Contract price was approximately \$249,912.00, but the parties have agreed through negotiations and discussions to reduce the final Contract price to \$200,000.00; and

**WHEREAS**, the Contractor has agreed to comply with all punch list requirements as recommended by Roger Budd, Superintendent of the Township's Sewer and Water Department; and

**WHEREAS**, once the Contractor has therefore complied with all of its contractual obligations, to the satisfaction of the Township Engineer, the final payment shall be made.

**DASTI, MURPHY  
McGUICKIN, ULAKY,  
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

**NOW, THEREFORE, BE IT RESOLVED**, this 6<sup>th</sup> day of December, 2016, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows; and

1. The Township accepts and authorizes execution of the Memorandum of Agreement as prepared by the Township's Solicitor, a true copy of which is on file with the Office on the Township Clerk, and can be reviewed during normal business hours.

2. The Township Authorizes release of the Maintenance Bond posted on behalf of the Contractor, which expired by its own terms and conditions on or about November 14, 2016.

3. Upon execution of the Memorandum of Agreement by representatives of the Contractor, the Township authorizes final payment to the Contractor of \$200,000.00.

4. The Township authorizes and directs the Mayor, Township Clerk, Township Administrator and Township CFO to execute any and all necessary documents in order to implement the intent of this resolution.

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

- 1.) Honorable John J. Novak, Mayor, Mayor;
- 2.) Martin Lisella, Township Administrator;
- 3.) Thomas Lombarski, Township CFO;
- 4.) Roger Budd, Superintendent
- 5.) Jerry J. Dasti, Esquire;

**DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on December 6, 2016, a quorum being present and voting in the majority.

**MICHELE RIVERS, RMC, TOWNSHIP CLERK**

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
Forked River, New Jersey 08731

**DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

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MEMORANDUM OF AGREEMENT BY AND BETWEEN THE  
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF  
NEW JERSEY AND VIDEO PIPE SERVICES, INC.

WHEREAS, the Township of Barnegat, a body politic, with a business office located at 900 West Bay Avenue, Barnegat Township, State of New Jersey (hereinafter referred to as the "Township") previously adopted a Resolution (Resolution No. 2013-346) on August 19, 2013 (hereinafter referred to as the "Resolution"); and

WHEREAS, the adoption of the Resolution by the Township awarded a Contract to Video Pipe Services, Inc. (hereinafter referred to as the "Contractor"); and

WHEREAS, the Contract between the Township and the Contractor was executed on or about September 23, 2013; and

WHEREAS, the Contract called for the Contractor to perform certain sanitary sewer repairs, in accordance with bid specifications prepared by the (then) Township Consulting Engineer; and

WHEREAS, the original Contract price was agreed upon as \$246,120.00; and

WHEREAS, during the course of the Contract various change orders, deletions, *et cetera*, have arisen which have resulted in a modification to the Contract price; and

WHEREAS, the Contractor has posted the required Maintenance Bond which expires on or about November 14, 2016, and the parties have, after numerous discussions and negotiations, agreed to a final Contract price, subject to completion of any outstanding punch list items and supplying to the Township, by the Contractor, of the video inspection reports, as required; and

WHEREAS, the parties wish to document their understanding and agreement as to the final payment due from the Township to the Contractor, and the remaining obligations due

DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS

COUNSELLORS AT LAW  
620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

from the Contractor to the Township, all in accordance with the aforementioned Contract and bid specifications.

NOW, THEREFORE, BE IT AGREED, this \_\_\_\_ day of November, 2016, as follows:

1. After negotiations and discussions between the parties, the parties have agreed to a final Contract price to be paid by the Township to the Contractor of \$200,000.00.
2. Payment shall be made to the Contractor, subject to the compliance with conditions set forth herein below, on or by December 15, 2016.
3. Before payment is due to the Contractor by the Township, the Contractor shall undertake the following:
  - A. Provide all video inspection reports to the Township, to the attention of Roger Budd, Superintendent of the Water and Sewer Department.
  - B. Attend to any punch list items which are discovered during the final inspection (pre-November 14, 2016) before the Maintenance Bond expires.
4. Assuming that the conditions are met as set forth hereinabove, the Township agrees to adopt the appropriate Resolution at the December \_\_\_\_, 2016 meeting of the Township Committee, in order to authorize a release of the Maintenance Bond, acceptance of this Memorandum of Agreement, and payment of \$200,000.00 to the Contractor.
5. By executing this Memorandum of Agreement, the parties hereby agree to release each other from any and all responsibilities, other than as set forth hereinabove, with regard to the Contract, change orders, reductions in purchase price, extras due to the Contractor, *et cetera*.
6. The parties acknowledge they have retained and have had the opportunity to consult independent legal counsel with regard to these negotiations. Both the Township and the Contractor agree that after an opportunity to consult with independent legal counsel, each has agreed to accept and execute this Memorandum of Agreement, thereby releasing each of the parties from any other liabilities to each other, other than as set forth hereinabove.
7. This Agreement shall be binding upon all parties and shall remain in full force and effect unless modified, in writing, by both parties.

DASTI, MURPHY  
McGUICKIN, ULAKY,  
KOUTSOURIS & CONNOR  
COUNSELLORS AT LAW  
610 WEST LACEY ROAD  
P.O. BOX 1057  
YORKED RIVER, N.J. 08751

8. Each party agrees not to disparage the other now or in the future concerning matters involving the Contract which is the subject matter of this Memorandum of Agreement.

9. The parties agree, other than required by a Court Order, to keep the results of this Memorandum of Agreement confidential and not disclosed to the public. The parties understand however that in the event a request is made for the production of a copy of the Agreement through the New Jersey Open Public Records Act ("OPRA"), the Township shall provide three (3) business days notice to representatives of the contractor that unless the contractor applies to the Court for a Restraining Order the document will be released to the public thereafter.

10. In the event there is any dispute concerning the interpretation of this Memorandum of Agreement the parties agree to seek alternate remedy through arbitration in lieu of litigation. The costs of the arbitration shall be equally born between the parties.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first above written.

TOWNSHIP OF BARNEGAT

Dated: \_\_\_\_\_

By: Martin Lisella, Township Admin.

ATTESTED:

\_\_\_\_\_  
Michele Rivers, RMC,  
Township Clerk

VIDEO PIPE SERVICES, INC.

Dated: Frank Senske

Jerry Vetter  
By: Jerry Vetter, President

ATTESTED:

Frank Senske

10/31/16

DASTI, MURPHY  
McGUICKIN, ULAKY,  
KOUTSOURIS & CONNORS  
COUNSELLORS AT LAW  
620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

**RESOLUTION 2016- 421**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING WAIVER REQUEST FOR A ROAD OPENING PERMIT SUBMITTED BY RICHARD CERULLI, 20 COMMODORE COURT, BARNEGAT, NEW JERSEY**

**WHEREAS**, the Township of Barnegat, County of Ocean, State of New Jersey, (hereinafter referred to as the "Township") has received a request from Richard Cerulli for a road opening permit for 20 Commodore Court, Barnegat, New Jersey (the "property"); and

**WHEREAS**, the Township Committee has reviewed the letter request from the applicant and is advised the reason for the road opening permit is to allow for the connection to the existing gas main with New Jersey Natural Gas Company; and

**WHEREAS**, the applicant has agreed to comply with all terms and conditions set forth in the letter dated November 28, 2005 from the Township Engineer, John J. Hess, P.E.; and

**WHEREAS**, the Township finds that the request of the applicant under these circumstances is reasonable and appropriate, and compliance with all conditions set forth in the aforementioned letter of November 28, 2005 being adhered to, the Township will be adequately protected:

**NOW, THEREFORE, BE IT RESOLVED**, this 6<sup>th</sup> day of December 2016 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township approves the request for a road-opening permit for 20 Commodore Court Avenue as requested by Richard Cerulli. This approval is contingent upon the property owner complying with all terms and conditions set forth in the aforementioned letter dated November 28, 2005.

2. The Township further directs that payment of the second road opening permit fee of \$50.00 be and hereby is waived

3. The Township authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

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

- (a) Honorable John J. Novak, Mayor;
- (b) John Hess, P.E.;
- (c) Barnegat Township Building Department;
- (d) NJNG; and
- (e) Property Owner

**CERTIFICATION**

I, Michele Rivers Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey hereby certify that the foregoing Resolution was duly adopted by the Township Committee at a meeting held on December 6, 2016, a quorum being present and voting in the majority.

---

Michele A. Rivers, RMC  
Municipal Clerk

## **RESOLUTION 2016-422**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING WAIVER REQUEST FOR A ROAD OPENING PERMIT SUBMITTED BY CATHY CONNORS, MANDRAKE PROPERTIES 27 NAUTILUS AVENUE, BARNEGAT, NEW JERSEY**

**WHEREAS**, the Township of Barnegat, County of Ocean, State of New Jersey, (hereinafter referred to as the "Township") has received a request from Cathy Connors of Mandrake Properties for a road opening permit for 27 Nautilus Avenue, Barnegat, New Jersey (the "property"); and

**WHEREAS**, the Township Committee has reviewed the letter request from the applicant and is advised the reason for the road opening permit is to allow for the connection to the existing gas main with New Jersey Natural Gas Company; and

**WHEREAS**, the applicant has agreed to comply with all terms and conditions set forth in the letter dated November 28, 2005 from the Township Engineer, John J. Hess, P.E.; and

**WHEREAS**, the Township finds that the request of the applicant under these circumstances is reasonable and appropriate, and compliance with all conditions set forth in the aforementioned letter of November 28, 2005 being adhered to, the Township will be adequately protected:

**NOW, THEREFORE, BE IT RESOLVED**, this 6<sup>th</sup> day of December 2016 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township approves the request for a road-opening permit for 27 Nautilus Avenue as requested by Cathy Connors. This approval is contingent upon the property owner complying with all terms and conditions set forth in the aforementioned letter dated November 28, 2005.

2. The Township further directs that payment of the second road opening permit fee of \$50.00 be and hereby is waived

3. The Township authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

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

- (a) Honorable John J. Novak, Mayor;
- (b) John Hess, P.E.;
- (c) Barnegat Township Building Department;
- (d) NJNG;
- (e) Property Owner

**CERTIFICATION**

I, Michele Rivers Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey hereby certify that the foregoing Resolution was duly adopted by the Township Committee at a meeting held on December 6, 2016, a quorum being present and voting in the majority.

---

Michele A. Rivers, RMC  
Municipal Clerk

**RESOLUTION 2016-423**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,  
STATE OF NEW JERSEY APPROVING THE RELEASE OF ROAD OPENING  
BOND FOR BARBARA RUSSO, 1 COMPASS LANE**

**WHEREAS**, Barbara Russo, owner of Block 114.04, Lot 1, 1 Compass Lane requested a release of a previously posted Road Opening Bond, and

**WHEREAS**, the Township Engineer has performed a site inspection on the subject site, and recommends the release of the Road Opening Bond, now

**THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Road Opening Bond for Block 114.04, Lot 1, 1 Compass Lane, is hereby released based on the Township Engineer's letter dated November 10, 2016

**CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat NJ on the 6<sup>th</sup> day of December 2016

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Michele Rivers, RMC  
Municipal Clerk



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

TIMOTHY W. GILLEN, PE, PP, CME  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME

November 10, 2016

Michele Rivers, RMC  
Municipal Clerk  
Township of Barnegat  
900 West Bay Avenue  
Barnegat, NJ 08005

**Re: Road Opening Bond Release  
1 Compass Lane  
Block 114.04, Lot 1  
Our File: VBG00003.04 (63001)**

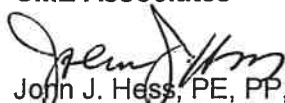
Dear Mrs. Rivers:

As requested in your October 31, 2016 memorandum, please be advised that our office has inspected the road opening at the subject site and find that the trench has been repaired in a satisfactory manner. Based on the above, our office has no objection to the road opening bond being released at this time.

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

Very truly yours,

**CME Associates**

  
John J. Hess, PE, PP, CME  
Township Engineer

JJH:ps

cc: Martin J. Lisella, Administrator  
Tom Lombarski, CFO  
Barbara Russo, Homeowner

## **RESOLUTION 2016-424**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING THE RELEASE OF THE MAINTENANCE BOND FOR SITE IMPROVEMENTS FOR OCEAN ACRES PHASE 5**

**WHEREAS**, Walters Homes, the developer of Ocean Acres, Phase 5 has requested a release of the Maintenance Bond #5041726 for Site Improvements; and

**WHEREAS**, the Township Engineer has inspected subject site, and recommends approving the release of the Maintenance Bond for Site Improvements for Ocean Acres, Phase 5; so

**THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the request for release of the Maintenance Bond #5041726 for Site Improvements for Ocean Acres, Phase 5 is hereby approved based on the recommendation of the Township Engineer, in his letter dated November 11, 2016.

### **CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their regular meeting held at the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 6<sup>th</sup> day of December 2016.

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Michele Rivers, RMC  
Municipal Clerk

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



TIMOTHY W. GILLEN, PE, PP, CME  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME

November 11, 2016

Michele Rivers, RMC, Municipal Clerk  
Township of Barnegat  
900 West Bay Avenue  
Barnegat, NJ 08005

**Re: Request for Maintenance Bond Release  
Ocean Acres Phase 5  
Site Improvements  
Bond #5041726  
Our File No. VBGE0092.01 (63005)**

Dear Mrs. Rivers:

According to our records Walters Homes posted a maintenance bond for the site improvements at the above referenced development on December 4, 2014 (Bond #5041726 issued by Bond Safeguard Insurance Company). Under the Municipal Land Use Law, maintenance bonds remain in effect for a period of two years. Thus, the maintenance bond is scheduled to expire on December 4, 2016.

In this regard, our office has inspected the site improvements and found everything to be in good condition. Therefore, we have no objection to the maintenance bond being released at this time.

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

Very truly yours,  
**CME Associates**

John J. Hess, PE, PP, CME  
Township Engineer

JJH:ps

cc: Marty Lisella, Township Administrator  
Tom Lombarsi, CFO  
Christopher J. Connors, Esq., Township Attorney  
Walters Homes  
Bond Safeguard Insurance Company

## **RESOLUTION 2016-425**

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

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

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

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

CLIFF SCHOENBERGER

ZB 05-05

ACCOUNT # 7200037520

ZONING BOARD REVIEW ESCROW

\$ 267.87

ACCRUED INTEREST

\$ 156.17

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

### **CERTIFICATION**

I, Michele A. Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township at their regular meeting held on the 6th day of December 2016 at The Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

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Michele A. Rivers, RMC  
Municipal Clerk

**RESOLUTION 2016-426**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,  
STATE OF NEW JERSEY AUTHORIZING AN OUTDOOR FACILITY USAGE  
AND HOLD HARMLESS APPLICATION FOR TOWNSHIP PARKS AND  
FACILITIES**

**BE IT RESOLVED**, that the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey does hereby approve of the attached Outdoor Facility Usage and Hold Harmless Application for Township Parks and Facilities.

**CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ on the 6<sup>th</sup> day of December 2016

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Michele Rivers, RMC  
Municipal Clerk

**BARNEGAT TOWNSHIP RECREATION**  
**OUTDOOR FACILITY USAGE APPLICATION**

Dock – Beach – Gazebo – Lower Shore Ball Fields

Jeanne Broadbent, Recreation Director 609-548-6319 [jbroadbent@barnegat.net](mailto:jbroadbent@barnegat.net)

Application Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Name of organization: \_\_\_\_\_

Name of individual completing application \_\_\_\_\_

Organization's representative on site: \_\_\_\_\_

Date of usage: \_\_\_\_\_ In/Out Times: \_\_\_\_\_

For multiple uses: Day (s) of usage: \_\_\_\_\_

Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Recreational Facility to be used – circle all that apply

DOCK              GAZEBO              BEACH

LOWER SHORE RD COMPLEX: Circle all that apply

SOFTBALL FIELD #1              SOFTBALL FIELD #2              TURF FIELD\*

TURF FIELD\* All Applicants are required to review & sign RULES / REGULATIONS Form

**Day of usage**

It is the organizations responsibility to notify Jeanne Broadbent 609-548-6319 immediately upon arrival to report any issues.

I have checked all of the following:

- 1) \_\_\_\_\_ An inspection of the area has been made and it has been cleaned.
- 2) \_\_\_\_\_ All trash has been placed in the proper container or properly secured for pick up
- 3) \_\_\_\_\_ We have recycled. Carry in and carry out your recyclables!

I have checked all of the above after our event and will return the check list to the Recreation Department within 48 hours. **Failure to do this will jeopardize future use of Barnegat Township Facilities.** Forms can be faxed to 609-698-1302 or emailed to [jbroadbent@barnegat.net](mailto:jbroadbent@barnegat.net)

Signature of representative: \_\_\_\_\_ Date \_\_\_\_\_

**BARNEGAT TOWNSHIP RECREATION**  
**OUTDOOR FACILITY USAGE APPLICATION**

Dock – Beach – Gazebo – Lower Shore Ball Fields

Jeanne Broadbent, Recreation Director 609-548-6319 [jbroadbent@barnegat.net](mailto:jbroadbent@barnegat.net)

**INSURANCE REQUIREMENTS**

**All applicants must have liability insurance in the amount of \$1,000,000 and provide a copy of the certificate on which Barnegat Township is named as additionally insured.**

Insurance Certificate on File: \_\_\_\_\_ New Application with Insurance attached: \_\_\_\_\_

Hold Harmless Agreement attached: \_\_\_\_\_

As a representative of the organization applying, the undersigned agrees to the use of Barnegat Township Facilities in accordance with all the rules and regulations and policies provided by Barnegat Township. The undersigned, acting for and on behalf of the organization does hereby certify that A) he/she has the authority to act on behalf of said organization, B) that said organization does hereby agree to indemnify, defend and hold harmless the Township of Barnegat, its employees or volunteers in the event of accident or injury while utilizing Township Facilities.

Date: \_\_\_\_\_ Name of Applicant: \_\_\_\_\_

Organization: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

.....

To be completed and signed by a Township Official

Date: \_\_\_\_\_ Township Official: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Reason: \_\_\_\_\_

\*Security deposit required: \_\_\_\_\_ amount: \_\_\_\_\_

\* Security deposits will be refunded when it has been deemed that the facility was left in satisfactory condition. If the facility was left in unsatisfactory condition, the Township will refund only that portion not used to return the facility to satisfactory condition. Leaving the facilities in unsatisfactory condition will jeopardize future use by your organization.

\*We require a Township Employee on site: Yes \_\_\_\_\_ No \_\_\_\_\_

(salaries for required personnel, at the rate of \$15 per hour, are the responsibility of the booking organization)

\*\*We require a Police Officer on site: Yes \_\_\_\_\_ No \_\_\_\_\_

(salaries for required Police Officers, at the officer's current rate of pay, are the responsibility of the booking organization)

# FACILITY / FIELD HOLD HARMLESS AGREEMENT

BETWEEN the Township of Barnegat  
AND

\_\_\_\_\_  
Organization Name and/or Individual

\_\_\_\_\_  
Address (Not Post Office Box)

\_\_\_\_\_  
Cell and Telephone #

\_\_\_\_\_  
Organization Type (Individual, Partnership, Non-Profit Corporation,  
Corporation, Public Entity)

In consideration of the use of following recreation facility  
on the following dates: \_\_\_\_\_

Facility - Park : \_\_\_\_\_

for the purpose of \_\_\_\_\_, the undersigned  
agrees to indemnify and hold the Township of Barnegat  
and its officers, agents and employees harmless from any and all liability, claims, costs and Attorney's  
fees arising out of the use of the property referred to above.

I understand that this Hold Harmless also requires that the Township of Barnegat is indemnified from  
any losses or damages resulting from the acts or omissions from any guest, participant, visitor, or other  
person attending the event herein referred to. Unless waived in writing by the Township of Barnegat, I  
agree to furnish a Certificate of  
Insurance specifically naming the Township of Barnegat, as an additional insured, providing general  
liability, bodily injury and property damage coverage with minimum limits of liability not less than \$  
1,000,000.00.

Signed this \_\_\_\_\_ date of \_\_\_\_\_ 2016 as

the binding act in deed of \_\_\_\_\_  
Name of Organization/and/or Individual

\_\_\_\_\_  
Authorized Signature

**RESOLUTION 2016-427**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AUTHORIZING THE POLICE DEPARTMENT TO  
PURCHASE EQUIPMENT FOR IT SERVER ROOM**

**BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Police Department is hereby authorized to purchase equipment and perform updates to IT Server room for the Police Department network support in the cumulative amount of \$6,334.00

**CERTIFICATION**

I, Michele A. Rivers, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 6<sup>th</sup> day of December 2016

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Michele A. Rivers, RMC  
Municipal Clerk

**TOWNSHIP OF BARNEGAT, NEW JERSEY**  
**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

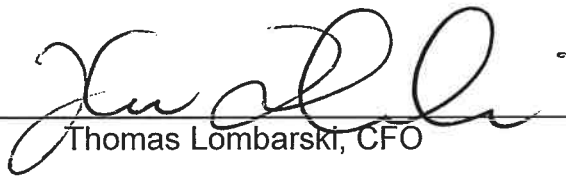
I, Thomas Lombarski, Chief Financial Officer, do hereby certify that with respect to the purchase of equipment and electrical updates to IT Server room for the Police Department network support in the cumulative amount of \$6,334.00:

Browns Heating and Cooling, 88 Birch Avenue, Little Silver, NJ 07739: \$3,600.00  
Rack Solutions, 1519 Int. 30 W., Greenville TX, 75402: \$2,154.07  
Nevron Electrical Contractors, LLC, 1114 Overlook Drive, Toms River, NJ 08753: \$580.00

THE FUNDS ARE AVAILABLE IN THE FOLLOWING:

APPROPRIATION(s): 6-01-25-745-026

SIGNATURE: \_\_\_\_\_

  
Thomas Lombarski, CFO

Dated: November 22, 2016

## RESOLUTION 2016-428

### **A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ADMINISTRATOR TO SIGN A CONTRACT FOR A 48 MONTH LEASE WITH CIT BANK FOR ONE (1) KYOCERA/DUPLITRON COPIER FOR THE PLANNING/ZONING DEPARTMENT**

**BE IT RESOLVED** that the Township Committee of the Township of Barnegat, County of Ocean and State of New Jersey that the Township Administrator is hereby authorized to sign a contract with CIT Bank for the lease of one (1) Kyocera TA4002i copy machine, 10201 Centurion Parkway N. #100, Jacksonville, FL 32256 for a period of 48 months at \$166.91 per month. Lease includes all parts, supplies and maintenance.

### **CERTIFICATION**

I, Michele Rivers, 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 on the 6<sup>th</sup> day of December 2016.

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Michele Rivers, RMC  
Township Clerk

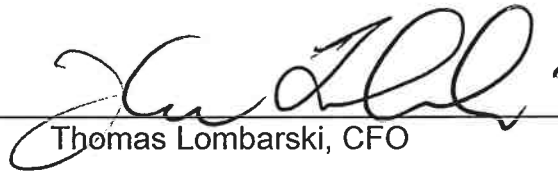
**TOWNSHIP OF BARNEGAT, NEW JERSEY**  
**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

I, Thomas Lombarski, Chief Financial Officer, do hereby certify that with respect to authorization of a lease agreement with CIT Bank, for lease of (1) Kyocera document solutions/Duplitron copier for the Barnegat Township Planning/Zoning department in the amount of \$166.91/month for 48 months:

THE FUNDS ARE AVAILABLE IN THE FOLLOWING:

APPROPRIATION: 7-01-21-720-026 \$1,001.46  
7-01-21-721-026 1,001.46

SIGNATURE: \_\_\_\_\_

  
Thomas Lombarski, CFO

Dated: December 6, 2016

## **RESOLUTION 2016-429**

### **A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ADMINISTRATOR TO SIGN A CONTRACT FOR A 48 MONTH LEASE WITH CIT BANK FOR ONE (1) KYOCERA/DUPLITRON COPIER FOR THE RECREATION DEPARTMENT**

**BE IT RESOLVED** that the Township Committee of the Township of Barnegat, County of Ocean and State of New Jersey that the Township Administrator is hereby authorized to sign a contract with CIT Bank for the lease of one (1) Kyocera TA4002i copy machine, 10201 Centurion Parkway N. #100, Jacksonville, FL 32256 for a period of 48 months at \$166.91 per month. Lease includes all parts, supplies and maintenance.

### **CERTIFICATION**

I, Michele Rivers, 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 on the 6<sup>th</sup> day of December 2016.

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Michele Rivers, RMC  
Township Clerk

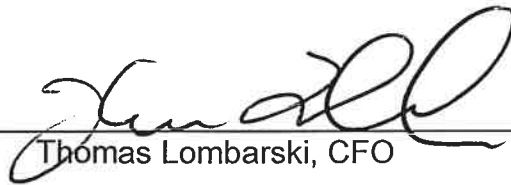
**TOWNSHIP OF BARNEGAT, NEW JERSEY**  
**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

I, Thomas Lombarski, Chief Financial Officer, do hereby certify that with respect to authorization of a lease agreement with CIT Bank, for lease of (1) Kyocera document solutions/Duplitron copier for the Barnegat Township Recreation department in the amount of \$166.91/month for 48 months:

THE FUNDS ARE AVAILABLE IN THE FOLLOWING:

APPROPRIATION: 7-01-28-795-026

SIGNATURE: \_\_\_\_\_

  
Thomas Lombarski, CFO

Dated: December 6, 2016

## **RESOLUTION 2016-430**

### **A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ADMINISTRATOR TO SIGN A CONTRACT FOR A 48 MONTH LEASE WITH CIT BANK FOR THREE (3) KYOCERA/DUPLITRON COPIERS FOR THE POLICE DEPARTMENT**

**BE IT RESOLVED** that the Township Committee of the Township of Barnegat, County of Ocean and State of New Jersey that the Township Administrator is hereby authorized to sign a contract with CIT Bank for the lease of three (3) Kyocera copy machines, one (1)-TA306ci & two (2) FS6525, 10201 Centurion Parkway N. #100, Jacksonville, FL 32256 for a period of 48 months at \$323.46 per month. Lease includes all parts, supplies and maintenance.

### **CERTIFICATION**

I, Michele Rivers, 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 on the 6<sup>th</sup> day of December 2016.

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Michele Rivers, RMC  
Township Clerk

**TOWNSHIP OF BARNEGAT, NEW JERSEY**  
**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

I, Thomas Lombarski, Chief Financial Officer, do hereby certify that with respect to authorization of a lease agreement with CIT Bank, for lease of (3) Kyocera document solutions/Duplitron copiers for the Barnegat Township Police department in the amount of \$323.48/month for 48 months:

THE FUNDS ARE AVAILABLE IN THE FOLLOWING:

APPROPRIATION: 7-61-25-745-026

SIGNATURE: \_\_\_\_\_

  
Thomas Lombarski, CFO

Dated: December 6, 2016

## **RESOLUTION 2016-431**

### **A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ADMINISTRATOR TO PURCHASE ONE (1) KYOCERA/DUPLITRON MANUAL DESKTOP FOLDING DEVICE FOR THE TAX/UTILITY COLLECTION DEPARTMENT**

**BE IT RESOLVED** that the Township Committee of the Township of Barnegat, County of Ocean and State of New Jersey that the Township Administrator is hereby authorized to purchase one (1) Kyocera/Duplitron desktop folding device for the Tax/Utility Collection department in the amount of \$2249.00.

#### **CERTIFICATION**

I, Michele Rivers, 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 on the 6<sup>th</sup> day of December 2016.

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Michele Rivers, RMC  
Township Clerk

**TOWNSHIP OF BARNEGAT, NEW JERSEY**  
**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

I, Thomas Lombarski, Chief Financial Officer, do hereby certify that with respect to authorization of a purchase agreement with Kyocera/Duplitron, for (1) Manual desktop folding device for the Barnegat Township Tax Collector department in the amount of \$2249.00:

THE FUNDS ARE AVAILABLE IN THE FOLLOWING:

APPROPRIATION: 7-20-708-053 As of \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

  
Thomas Lombarski, CFO

Dated: December 6, 2016

**RESOLUTION 2016-432**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE  
OF NEW JERSEY, AUTHORIZING THE TOWNSHIP CLERK TO ADVERTISE FOR  
THE RECEIPT OF BIDS FOR THE PURCHASE OF TRAILER MOUNTED PORTABLE  
MESSAGE SIGN BOARD**

**BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Municipal Clerk is hereby authorized to advertise for the receipt of bids for the purchase of trailer mounted portable message sign board for the Police Department.

**CERTIFICATION**

I, Michele Rivers, 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 6<sup>th</sup> day of December, 2016

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Michele Rivers, RMC  
Municipal Clerk

**RESOLUTION 2016-433**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP CLERK TO ADVERTISE FOR THE RECEIPT OF BIDS FOR THE PURCHASE OF BELL MINE AND/OR CARMEUSE HYDRATED HIGH CALCIUM LIME**

**BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Municipal Clerk is hereby authorized to advertise for the receipt of bids for the purchase of Bell Mine and/or Carmeuse Hydrated High Calcium Lime for the Water & Sewer Department.

**CERTIFICATION**

I, Michele Rivers, 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 6<sup>th</sup> day of December, 2016

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Michele Rivers, RMC  
Municipal Clerk

## **RESOLUTION 2016-434**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY PROCLAIMING THE MONTH OF JANUARY, 2017 AS RADON ACTION MONTH**

**WHEREAS**, radon is a naturally occurring radioactive gas that is the second leading cause of lung cancer; and

WHEREAS, prolonged exposure to radon can kill as many as 500 people in New Jersey each year; and

WHEREAS, families who reside in homes with elevated radon levels are at risk of developing serious health problems; and

WHEREAS, any home may have high levels of radon, even when neighboring homes do not; and

WHEREAS, radon testing can be done with great ease at a relatively low expense to the homeowner, with the cost of reducing radon concentrations being comparable to that of any home repair; and

WHEREAS, the New Jersey Department of Environmental Protection and the United States Environmental Protection Agency are collaborating during the month of January to promote the need for radon testing in an effort to protect the lives of our State's residents; and

WHEREAS, if all New Jersey homes with radon concentrations at or above 4 pCi/L were mitigated, about 83 lives could be saved this year.

NOW, THEREFORE, I John J. Novak, Mayor of Barnegat Township on behalf of the Barnegat Township Committee and residents of Barnegat Township, do hereby proclaim the month of January, 2017 as RADON ACTION MONTH.

In the Township of Barnegat and call upon all residents who have not yet tested to test their homes for radon and to reduce radon levels if elevated levels are found, to protect their families from the serious health risk of radon.

### **CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was formally adopted by the Township Committee at their meeting held in the Municipal Complex, 900 W. Bay Ave, Barnegat NJ on the 6<sup>th</sup> day of December 2016

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Michele Rivers, RMC  
Municipal Clerk

## RESOLUTION 2016-435

**A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING SENATE BILL S981, SPONSORED BY SENATOR BOB SMITH, DISTRICT 17, (MIDDLESEX AND SOMERSET), SENATOR CHRISTOPHER “KIP” BATEMAN, DISTRICT 16 (HUNTERDON, MERCER, MIDDLESEX AND SOMERSET), AND ASSEMBLY BILL A2375, SPONSORED BY ASSEMBLYMAN JOHN F. MCKEON, DISTRICT 27, (ESSEX AND MORRIS COUNTY), AMENDING THE NEW JERSEY “ELECTRONIC WASTE MANAGEMENT ACT”**

**WHEREAS**, counties and municipalities are burdened with the expense and environmental impact of the existing New Jersey “Electronic Waste Management Act”; and

**WHEREAS**, manufacturers of Covered Electronic Devices (CED) are not meeting their legal obligation to provide a free and convenient collection opportunity in each county; and

**WHEREAS**, CED manufacturers are not fully supporting successful government programs by covering the full cost to collect and dispose of CEDs generated by consumers in accordance with the New Jersey “Electronic Waste Management Act”; and

**WHEREAS**, the lack of support by CED manufacturers, has resulted in negative economic impacts to local government budgets and the elimination of longstanding successful collection programs; and

**WHEREAS**, existing manufacturer supported private collection opportunities are insufficient and incapable of handling the overwhelming volume of material should government collection processes cease to operate; and

**WHEREAS**, the elimination of government collection programs has serious potential to cause an increase in illegal dumping activities and the release of environmentally harmful materials contained in CEDs, due to the lack of drop off opportunities provided by CED manufacturers; now, therefore,

**BE IT RESOLVED**, that the Township Committee of the Township of Barnegat on this 6th day December, 2016, calls upon the members of the Senate, General Assembly and specifically the Governor of New Jersey, to support Senate Bill **S981** and Assembly Bill **A2375** that would enable the continuation of government sponsored collection programs, free of charge to consumers and taxpayers, therefore, fulfilling the intent of the original law.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the following: Honorable Governor Chris Christie, 9<sup>th</sup> Legislative District, New Jersey League of Municipalities and the Association of New Jersey Recyclers.

### **CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat, NJ on the 6<sup>th</sup> day of December 2016

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Michele Rivers, RMC  
Municipal Clerk

**RESOLUTION 2016-436**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE  
OF NEW JERSEY AUTHORIZING AN AGREEMENT WITH COMCAST BUSINESS  
INTERNET FOR SECURITY CAMERAS AT PROJECT PLAYGROUND**

**BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, that the Barnegat Township Administrator is hereby authorized to sign a thirty-six (36) month contract agreement with Comcast Business Internet, for the security cameras at Project Playground in the amount of \$49 one-time installation fee, and \$124.90/month.

**CERTIFICATION**

I, Michele Rivers, 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 on the 6<sup>th</sup> day of November, 2016

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Michele Rivers, RMC  
Municipal Clerk

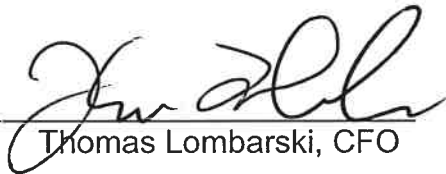
**TOWNSHIP OF BARNEGAT, NEW JERSEY**  
**CERTIFICATION AS TO THE AVAILABILITY OF FUNDS**

I, Tom Lombarski, Chief Financial Officer of Barnegat Township, do hereby certify that with respect to a thirty-six month (36) contract agreement with Comcast Business Internet for the security cameras at Project Playground in the amount of one-time \$49.00 installation fee, and \$124.90/month

THE FUNDS ARE AVAILABLE IN THE FOLLOWING:

APPROPRIATION: 7-01-25-745-026

Signature: \_\_\_\_\_

  
Thomas Lombarski, CFO

Date: November 29, 2016

## RESOLUTION 2016-437

### RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE OF NEW JERSEY SUPPORTING THE *DRIVE SOBER OR GET PULLED OVER 2016 YEAR END HOLIDAY CRACKDOWN*

**Whereas**, impaired drivers on our nation's roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

**Whereas**, approximately 22% of motor vehicle fatalities in New Jersey in 2015 were alcohol-related; and

**Whereas**, an enforcement crackdown is planned to combat impaired driving; and

**Whereas**, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

**Whereas**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and

**Whereas**, the project will involve increased impaired driving enforcement from December 9<sup>th</sup>, 2016 through January 1<sup>st</sup>, 2017; and

**Whereas**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

**Therefore**, be is resolved that Barnegat Township declares it's support for the *Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown* from December 9<sup>th</sup>, 2016 through January 1<sup>st</sup>, 2017 and pledges to increase awareness of the dangers of drinking and driving.

### CERTIFICATION

I, Michele Rivers, Township Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolutions was duly adopted by the Township Committee at their meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ on the 6<sup>th</sup> day of December 2016

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Michele Rivers, RMC  
Township Clerk

## RESOLUTION 2016-438

### RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF PROPERTY BY THE OCEAN COUNTY NATURAL LANDS TRUST FUND

**WHEREAS**, the County of Ocean created an Ocean County Natural Lands Trust Fund to provide funds for the acquisition and preservation of natural lands, open spaces and farmlands; and

**WHEREAS**, the Ocean County Natural Lands Trust Fund Advisory Committee (the "Committee") was established by the Board of Chosen Freeholders to review nominations to the program and forward recommendations for acquisition to the Board of Chosen Freeholders; and

**WHEREAS**, the Committee has received a nomination for property known as Lynette Land/Keller ownership (the "Property") totaling approximately 90 acres located north of Bay Avenue partially in the Township of Barnegat; and

**WHEREAS**, the County of Ocean desires to acquire the Property; and

**WHEREAS**, it is the desire of the Township Committee to support this acquisition by the County of Ocean, as it is necessary for the preservation of natural resources within the County.

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

1. The Township Committee hereby supports the acquisition of the Property by the County of Ocean.
2. Copies of this Resolution shall be made available to the Ocean County Board of Chosen Freeholders; the County Administrator; the County Planning Director; County Counsel; the County Natural Lands Trust Fund Advisory Committee; and The Trust for Public Land.

### CERTIFICATION

I, Michele Rivers, Township Clerk of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly passed by the Township Committee of the Township of Barnegat at a regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ on the 6<sup>th</sup> day of December 2016

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township on this 6<sup>th</sup> day of December 2016

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Michele Rivers, RMC  
Township Clerk



# Pancoast Road Link

BARNEGAT AND OCEAN TOWNSHIPS, OCEAN COUNTY, NEW JERSEY

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## RESOLUTION 2016-439

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

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

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

WHEREAS, it has been determined that the application and project listed below has been sold, and

WHEREAS, the new owner has taken over responsibility for the project and has replaced all required deposits,

K Hovnanian at Fifth Avenue, LLC	
Fifth Avenue Tract aka Sea Crest Pines	<u>Section 1</u>
PB 01-01 (#2)	ACCOUNT # 7760211181
Site Inspection Escrow	\$ 23,057.33
Water/Sewer Inspection Escrow	\$ 14,460.50
Site 10% Performance Cash Bond	\$256,082.00
Water 10% Performance Cash Bond	\$ 44,677.00
Sewer 10% Performance Cash Bond	\$106,737.00
Accrued Bank Interest	\$ 10,827.70

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

### CERTIFICATION

I, Michele A. Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township at their regular meeting held on the 6th day of December 2016 at The Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

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Michele A. Rivers, RMC  
Municipal Clerk

## **RESOLUTION 2016-440**

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

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

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

WHEREAS, it has been determined that the application and project listed below has been sold, and

WHEREAS, the new owner has taken over responsibility for the project and has replaced all required deposits,

K Hovnanian at Fifth Avenue, LLC	
Fifth Avenue Tract aka Sea Crest Pines	<u>Section 2</u>
PB 01-01 (#2)	ACCOUNT # 7760211182
Site Inspection Escrow	\$ 27,110.75
Water/Sewer Inspection Escrow	\$ 7,994.50
Site 10% Performance Cash Bond	\$260,264.00
Water 10% Performance Cash Bond	\$ 35,481.00
Sewer 10% Performance Cash Bond	\$ 41,265.00
10 Year Stormwater Maint. Temporary Bond	\$ 400.00
Accrued Bank Interest	\$ 8,821.00

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

### **CERTIFICATION**

I, Michele A. Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township at their regular meeting held on the 6th day of December 2016 at The Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

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Michele A. Rivers, RMC  
Municipal Clerk

**RESOLUTION 2016-443**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FY 2017 MUNICIPAL AID PROGRAM**

**WHEREAS**, the Township of Barnegat is desirous of requesting funding consideration from the State of New Jersey Department of Transportation (NJDOT) under the Transportation Trust Fund for the FY 2017 Municipal Aid Program for the "Reconstruction of Pine Oak Boulevard" Street Reconstruction project; and

**WHEREAS**, the Township of Barnegat is an eligible recipient for funding under said program; and

**WHEREAS**, in furtherance of same, it is necessary for the Township Committee of the Township of Barnegat to authorize the Township Engineer to prepare the required application and to provide all reports, narratives, estimates and maps required for said funding consideration

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Township Committee of the Township of Barnegat authorize the Mayor and Clerk to submit an electronic grant application to the New Jersey Department of Transportation on behalf of the Township of Barnegat; and

**NOW, THEREFORE BE IT FURTHER RESOLVED** that the Mayor and Clerk are authorized to execute said grant agreement on behalf of the Township of Barnegat and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Mayor and Township Committee of the Township of Barnegat that the Township Engineer is hereby authorized to provide all reports, narratives, estimates, and maps required by the New Jersey Department of Transportation Trust Fund (FY2017 Municipal Aid Program).

**ADOPTED** at a meeting of the Township Committee of the Township of Barnegat held on December 6, 2016.

ATTEST and AFFIX SEAL

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

\_\_\_\_\_  
John J. Novak, Mayor

12/06/2016  
Dated

## **RESOLUTION 2016-444**

### **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 MATTERS.**

**WHEREAS**, the Barnegat Township Committee desires discussion pertaining to personnel, litigation and or 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, Michele A. Rivers, 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 the 6th day of December 2016

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Michele A. Rivers, RMC  
Municipal Clerk