

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

**TOWNSHIP COMMITTEE MEETING AGENDA  
June 9, 2022, 10:00 AM**

**Call to Order the May 3, 2022 Township Committee Meeting:**

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

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

**Invocation –** Pastor Glenn Swank – Barnegat Bay Assembly of God

**Pledge of Allegiance:**

**Roll Call of Officials:**

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

**Committee Reports:** Bille, Farmer, Marte, Pipi,

**Mayor's Report – Alfonso Cirulli-**

***Tom Lombarski, CFO to explain the Determination and Award of \$11,000,000 Bond Anticipation Notes***

**Public Session Comment:**

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

**Motion to Open Public Session:**

**Second:**

**Motion to Close Public Session:**

**Second:**

**Unfinished Business:**

**Ordinance 2022-11 (Second Reading)**

An Ordinance amending and supplementing various sections of Chapter 55 of the Township Code Entitled "Land Use"

**Motion to open Public Comment:** **Second:**

**Motion to close Public Comment:** **Second:**

**Motion to adopt ordinance:** **Second:**

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

**Ordinance 2022-12 (Second Reading)**

An Ordinance amending and supplementing Chapter 55F of the Township Coded Entitled "Manufactured Home Communities", "Housing for Older Persons, Service Fee"

**Motion to open Public Comment:** **Second:**

**Motion to close Public Comment:** **Second:**

**Motion to adopt ordinance:** **Second:**

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

**Ordinance 2022-13 (Second Reading)**

An Ordinance amending and supplementing Chapter 60-3.1 of the Township Code Entitled "Noise Control"

**Motion to open Public Comment:** **Second:**

**Motion to close Public Comment:** **Second:**

**Motion to adopt ordinance:** **Second:**

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

**Formal Action:**

**Resolution 2022-174**

Resolution authorizing payment of Bill List in the amount of \$8,359,757.21

**Motion to adopt resolution:** **Second:**

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

**Resolution 2022-175**

Resolution authorizing a Chapter 159 in the amount of \$6,949.02 be inserted in the 2022 Municipal Budget, for the *Alcohol Education Rehabilitation and Enforcement Fund*.

**Motion to adopt resolution:****Second:**

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

**Resolution 2022-176**

Resolution authorizing a Chapter 159 in the amount of \$54,221.29 be inserted in the 2022 Municipal Budget, for the *FY22 Clean Communities Grant Program*.

**Motion to adopt resolution:****Second:**

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

**New Business:****Approval of the Township Committee minutes from the May 3, 2022 meeting****Motion to adopt resolution:****Second:**

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

**Ordinance 2022-14 (First Reading)**

Ordinance creating Chapter 55-30A of the Township Code Entitled "Small Wireless Facilities"

**Motion to Introduce Ordinance:****Second:**

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

**Ordinance 2022-15 (First Reading)**

Ordinance amending Chapter 10 of the Township Code Entitled "Ethics, Code of"

**Motion to Introduce Ordinance:****Second:**

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

**Ordinance 2022-16 (First Reading)**

Ordinance amending Ordinance 2022-2, Amending and Supplementing Chapter 3 of the Township Code Entitled, "Engineer, Municipal"

**Motion to Introduce Ordinance:**

**Second:**

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

**Ordinance 2022-17 (First Reading)**

Ordinance amending Various Sections of Chapter 55 of the Township Code, Entitled "Land Use"

**Motion to Introduce Ordinance:**

**Second:**

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

**Consent Agenda:**

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

***Approval of Block Party for Maplewood Court August 20, 2022 9am to 9pm***

***Approval of Off Premise 50/50 to American Legion Post 232, John Wesley Taylor on September 4, 2022***

***Approval of On Premise 50/50 to Heritage Point Women's Group on August 13, 2022***

***Approval of On Premise 50/50 to the Italian & American Social Club, 4<sup>th</sup> Friday in July, August, September, October, 2022 and January 2023***

**Resolution 2022-177**

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

**Resolution 2022 – 178**

Authorizing the Tax Collector to refund payment erroneously paid Block 93.20 Lot 86; 124 Mission Way

**Resolution 2022 – 179**

Authorizing the Tax Collector to refund payment erroneously paid Block 95.06 Lot 8; 15 Morgan Drive

**Resolution 2022– 180**

Authorizing the Tax Collector to refund payment erroneously paid Block 259 Lot 9; 29 Powell Lane

**Resolution 2022– 181**

Authorizing the Tax Collector to refund payment erroneously paid Block 100 Lot 8; 12 Eighth Street

**Resolution 2022– 182**

Authorizing the Tax Collector to refund payment erroneously paid Block 114.06 Lot 11; 40 Compass Lane

**Resolution 2022– 183**

Authorizing the Tax Collector to refund payment erroneously paid Block 114.59 Lot 9; 121 Freedom Hills Drive

**Resolution 2022 – 184**

Resolution Authorizing Recycling Coordinator to file the 2021 Recycling Tonnage Grant to the NJ State DEP

**Resolution 2022 – 185**

Resolution Authorizing the Board of Education access to the Barnegat Township Government Access channel

**Resolution 2022 – 186**

Resolution approving the release of Road Opening Bond for 6 Roxbury Drive

**Resolution 2022 – 187**

Resolution amending Resolution 2022-93, hiring Kurt J. Otto as Township Engineer

**Resolution 2022 – 188**

Resolution Authorizing application to the NJ DCA for a Grant to Enhance Recreational Programs for Individuals with Special Needs, October 1, 2022 through June 30, 2023

**Resolution 2022 – 189**

Resolution Authorizing Place to Place Transfer of Liquor License #1533-33-002-005 for Sun Harbor Seafood LLC

**Resolution 2022 – 190**

Resolution hiring a part time Codes Enforcement Officer starting June 13, 2022

**Resolution 2022 – 191**

Resolution granting Preliminary and Final Sanitary Sewer Facilities approval to Paramount Escapes Ocean Breeze, Sections 6-8

**Resolution 2022 – 192**

Resolution Authorizing the Execution of a memorandum of understanding with Ocean Mental Health Services

**Resolution 2022 – 193**

Resolution Authorizing release of Maintenance Guarantee for the Holly Oaks Development

**Resolution 2022 – 194**

Resolution supporting the People of Ukraine

**Resolution 2022 – 195**

Resolution Authorizing the hiring of Jesse Amirr as a Full Time Patrolman in the Barnegat Township Police Department

**Resolution 2022 – 196**

Resolution Authorizing the release of Diesel Project Maintenance Bond for Wawa Inc.

**Resolution 2022 – 197**

Resolution in Support of Senate Bill S-1697 and State Assembly Bill A-757 in support of the State allowing certain Volunteer Firefighters, Rescue and First Aid Squad members to claim \$5,000 income tax deduction

**Resolution 2022 – 198**

Resolution Authorizing reduction of the Performance Guarantee for Site Improvements for Sea Crest Pines, Section 4

**Resolution 2022 – 199**

Resolution Authorizing reduction of the Performance Guarantee for Water Improvements for Sea Crest Pines, Section 4

**Resolution 2022 – 200**

Resolution Authorizing reduction of the Performance Guarantee for Sewer Improvements for Sea Crest Pines, Section 4

**Resolution 2022 – 201**

Resolution Denying requested Release of Site Maintenance Bond for Sea Crest Pines, Phase 1

**Resolution 2022 – 202**

Resolution Denying requested Release of Sewer Maintenance Guarantee of Bond #30100758 for Sea Crest Pines, Phase 1

**Resolution 2022 - 203**

Resolution authorizing progress Payment #15 to Frankoski Construction Co. for the New Municipal Building project

**Resolution 2022-204**

Resolution authorizing the Tax Collector to refund Homestead Benefit due to totally disabled veteran status Block 93.20 Lot 86; 124 Mission Way

**Resolution 2022 - 205**

Authorizing renewal of liquor licenses for the 2022/2023 term

**Resolution 2022-206**

Resolution awarding bid for Mirage Water Tower Interconnect to Lakeland Drive to Crest Construction Group, LLC

**Motion to adopt Consent Agenda:**

**Roll Call:**

Committeeman Bille:

Committeeman Marte:

Deputy Mayor Pipi:

**Second:**

Committeeman Farmer:

Mayor Cirulli:

**Resolution 2021 – 207**

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

**Motion to adopt resolution:**

**Roll Call:**

Committeeman Bille:

Committeeman Marte:

Deputy Mayor Pipi:

**Second:**

Committeeman Farmer:

Mayor Cirulli:

**Motion to Adjourn:**

**Time:**\_\_\_\_\_

**Second:**

**Next scheduled meeting  
July 5, 2022 at 6:30 PM**

**ORDINANCE NO. 2022-11**

**AN ORDINANCE OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN AND STATE OF  
NEW JERSEY AMENDING AND SUPPLEMENTING  
VARIOUS SECTIONS OF CHAPTER 55 OF THE  
TOWNSHIP CODE ENTITLED "LAND USE".**

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township  
Committee of the Township of Barnegat, County of Ocean, and State of New Jersey  
that the following Sections of Chapter 55 of the Township Code entitled "Land Use" is  
hereby amended and supplemented as follows:

**SECTION 1.**

Chapter 55-80.1 Fees.

The following provisions in the fee schedule are hereby amended as follows,  
those not named herein remain unchanged:

	<b>Application Fees</b>	<b>Escrow Account + Deposits</b>
§55-80.1A		
(1) Informal reviews:		
(a) One (1) fifteen (15) minute appearance	\$150	None required
(b) <u>Unchanged</u>		
(2) Subdivisions		
(a) Minor Subdivision (by Plat or Deed)	\$400	\$500 per lot
(b) Preliminary Major Subdivision Plat	\$700	\$3,000(first 5 lots) plus \$75/each additional lot
(c) Final Major Subdivision Plat	\$400	\$1,500 (first 5 lots) plus \$50/each additional lot

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(d) Unchanged.

(e) Unchanged.

(f) Unchanged.

(3) Site Plans

(a) Minor Site Plan	\$400	\$1,500
(b) Site Plan Waiver Request	\$250	\$1,000
(c) Site Plan Exemption Request	\$200	None required
(d) Preliminary Major Site Plan (other than residential)	\$700	\$3,500 (first acre or part thereof) plus \$500/each additional acre or part thereof

Preliminary Major Site Plan  
(residential and cluster development) Unchanged.

(e) Final Major Site Plan (other than residential)	\$400	\$1,750 (first Acre or part thereof) plus \$250/each additional acre or part thereof
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Final Major Site Plan  
(residential and cluster development) Unchanged.

(f) Unchanged.

(g) 1. Unchanged.

2. Unchanged.

(h) Field Change	\$200	\$1,000
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(4) Conditional Uses (In addition to fees for Required Site Plan or Subdivision review)	\$200	\$250
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(5) Variances:

(a) Appeals (40:55D-70a) (single-family use)	\$200	None required
(b) Interpretation of Zoning Regulations Or Map (40:55D-70b)	\$200	\$750
(c) Bulk Variances (40:55D-70c) (existing single-family use)	\$200	\$500
(Existing two-family use)	\$250	\$500
(All other uses)	\$300	\$400/first Variance plus \$50 each Additional
(d) Use and Others (40:55D-70d) (single or two-family use)	\$250	\$500
(All other uses)	\$800	\$2,500
(e) Building Permit in Conflict with Official map or for a lot not related To a Street (40:55D-34 & 35)	\$200	\$500
(f) Sign and fence not in compliance with ordinance requirements	\$150	\$250

(6) Waivers	\$150	\$75/first waiver plus \$25/each additional waiver
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(7) Unchanged.

(8) Unchanged.

(9) Unchanged.

(10) Unchanged.

(11) Unchanged.

(12) Unchanged.

(13) Unchanged.

(14) Unchanged

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Donna M. Manno RMC  
Donna M. Manno, RMC  
Municipal Clerk

**ORDINANCE NO. 2022-12**

**AN ORDINANCE OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN AND STATE OF  
NEW JERSEY AMENDING AND SUPPLEMENTING  
CHAPTER 55F OF THE TOWNSHIP CODE  
ENTITLED “MANUFACTURED HOME  
COMMUNITIES” “HOUSING FOR OLDER  
PERSONS” SERVICE FEE”.**

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that the following Sections of Chapter 55F of the Township Code entitled “Manufactured Home Communities” “Housing for Older Persons” “Service Fee” and specifically Section 55f-7 entitled “Amount of Municipal Service Fee – Formula” and Sub Section C, thereof, is hereby amended and supplemented as follows:

**SECTION 1.**

**§55F-7 Amount of Municipal Service Fee – Formula**

- A. Unchanged.
- B. Unchanged.
- C. 2022 Establishment of amount of Municipal Service Fee. Beginning July 1, 2022, the Municipal Service Fee per qualifying unit in accordance with and pursuant to this ordinance shall be \$282.48 per year or \$23.54 per month.
  - (1) Solid waste collection (per unit): \$138.68
  - (2) Recycling collection (per unit): \$28.54
  - (3) Snow plowing: \$15.77
  - (4) Leaf collection (per unit): \$13.73
  - (5) Landfill tipping fees: \$83.69
  - (6) Street sweeping: \$2.07
- D. Unchanged.

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

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

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

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **3rd day of May, 2022**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **9<sup>th</sup> day of June, 2022, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
Donna M Manno, RMC  
Municipal Clerk

DASTI & ASSOCIATES

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**ORDINANCE NO. 2022-13**

**AN ORDINANCE OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN AND STATE OF  
NEW JERSEY AMENDING AND SUPPLEMENTING  
CHAPTER 60-3.1 OF THE TOWNSHIP CODE  
ENTITLED "NOISE CONTROL"**

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 60 of the Township Code entitled "Peace and Good Order" and specifically Chapter 60-3.1.5 entitled "Prohibited Noises" is hereby amended and supplemented as follows:

**SECTION 1.** The following provisions of Chapter 60-3.1.5 entitled "Prohibited Noises" is hereby amended and supplemented as follows:

B. Specific prohibitions. The following acts, among others, are declared to be loud, disturbing or excessive noise in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

- (1) Unchanged.
- (2) Unchanged.
- (3) Unchanged.
- (4) Unchanged.
- (5) Unchanged.
- (6) Unchanged.
- (7) Unchanged.
- (8) Unchanged.
- (9) Unchanged.
- (10) Unchanged.
- (11) Unchanged.

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(12) Unchanged.

(13) Construction of structures or infrastructure. Construction work performed by licensed contractors on structures or infrastructures in a residential use district is permitted as follows:

Monday: 7:00 a.m. to 6:00 p.m.

Tuesday: 7:00 a.m. to 6:00 p.m.

Wednesday: 7:00 a.m. to 6:00 p.m.

Thursday: 7:00 a.m. to 6:00 p.m.

Friday: 7:00 a.m. to 5:00 p.m.

Saturdays: 8:00 a.m. to 4:00 p.m.

Sunday: No work permitted

Holidays: No work on holidays unless approved by the Township Engineer.

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

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

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

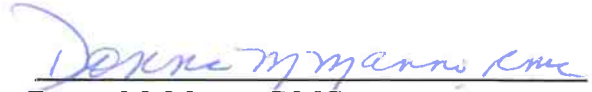
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**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **3<sup>rd</sup> day of May, 2022**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **9<sup>th</sup> day of June, 2022, at 10:00 AM** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
Donna M. Manno, RMC  
Municipal Clerk

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**2022-174**

**BILL LIST FOR JUNE 9, 2022**

**RESOLUTION 2022 – 175**

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

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

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

**THEREFORE, BE IT RESOLVED**, that the Township Committee of The Township of Barnegat in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022, in the sum of \$6,949.02, which is now available, for the Alcohol Education Rehabilitation and Enforcement Fund.

**BE IT FURTHER RESOLVED**, that the like sum of \$6,949.02 is hereby appropriated under the caption; Alcohol Education Rehabilitation and Enforcement Fund.

**BE IT FURTHER RESOLVED** that the above is the result of funds from the N.J. Courts, Alcohol Education Rehabilitation and Enforcement Fund, in the amount of \$6,949.02.

Resolution No. 2022-175

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

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

**CERTIFICATION**

I, Donna Manno, Municipal Clerk of the Township of Barnegat in the County of Ocean, New Jersey do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Township of Barnegat on June 9, 2022.

\_\_\_\_\_  
Donna Manno, RMC  
Municipal Clerk

**RESOLUTION 2022 – 176**

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

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

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

**THEREFORE, BE IT RESOLVED**, that the Township Committee of The Township of Barnegat in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022, in the sum of \$54,221.29, which is now available for the FY22 Clean Communities Grant.

**BE IT FURTHER RESOLVED**, that the like sum of \$54,221.29 is hereby appropriated under the caption; FY22 Clean Communities Grant.

**BE IT FURTHER RESOLVED** that the above is the result of funds from the N.J. Dept. of Environmental Protection, Clean Communities Program in the amount of \$54,221.29.

Resolution No. 2022- 176

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

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

**CERTIFICATION**

I, Donna Manno, Municipal Clerk of the Township of Barnegat in the County of Ocean, New Jersey do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Township of Barnegat on June 9, 2022.

\_\_\_\_\_  
Donna Manno, RMC  
Municipal Clerk

**ORDINANCE NO. 2022-**

**AN ORDINANCE CREATING CHAPTER 55-30A OF  
THE TOWNSHIP CODE ENTITLED “SMALL  
WIRELESS FACILITIES” PROCEDURES AND  
STANDARDS REGARDING DEPLOYMENT OF  
SMALL WIRELESS FACILITIES IN PUBLIC  
RIGHTS-OF-WAY IN THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN AND STATE OF  
NEW JERSEY**

**WHEREAS**, the wireless telecommunications industry has expressed interest in submitted applications to utilize space in public rights-of-way within Barnegat Township (the “Township”) for the installation of small cell wireless telecommunications facilities (hereinafter “Small Wireless Facilities”) in connection with the industry’s efforts to expand and/or upgrade existing 4G services and as part of the construction of a nation-wide 5G network; and

**WHEREAS**, the Township encourages wireless infrastructure investment and wishes to provide a fair and predictable process for the deployment of Small Wireless Facilities while preserving the Township’s ability to manage public rights-of-way in the overall interests of the public health, safety and welfare; and

**WHEREAS**, the Township recognizes that as usage of wireless technologies continues to rapidly increase, Small Wireless Facilities will be critical to delivering wireless access to advanced technologies, broadband services and 911 services to residences, businesses, schools and individuals within the Township; and

**WHEREAS**, the Township recognizes that Small Wireless Facilities often are most effectively deployed in public rights-of-way; and

**WHEREAS**, multiple installations of Small Wireless Facilities within the public right-of-way can impact property values, create traffic and pedestrian safety hazards,

impact shade trees where proximity conflicts may require trimming of branches or require removal of roots and create visual and aesthetic blights all of which can negatively impact the quality and character of life within the Township; and

**WHEREAS**, the Township wishes to preserve the aesthetics of the community by encouraging the location of 5G equipment on existing or previously approved infrastructure; and

**WHEREAS**, A September 2018 Ruling and Order of the Federal Communications Commission (“FCC”) provides that all local jurisdictions must comply with various restrictions on the exercise of local aesthetic, zoning, public works and fees when dealing with Small Wireless Facility installation siting applications by the effective date of the Order which was January 14, 2019. The FCC Order further provided that all local agencies should be capable of fully implementing its provisions within 180 days of its adoption which was on September 26, 2018. The Order also includes modifications to “shot clocks” which require local governments to approve or deny applications within certain expedited periods of time; and

**WHEREAS**, the Township’s needs to amend its Ordinances to address the legal and practical issues that arise in connection with multiple Small Wireless Facility installations deployed in the public rights-of-way; and

**WHEREAS**, in light of the foregoing, this governing body is of the opinion that the adoption of this Ordinance and its immediate implementation are in the best interest of the Township and the health, safety and welfare of its residents and visitors.

**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.** Chapter 55 of the Township Code entitled “Land Use” is hereby amended and supplemented to establish Article 30A, entitled “Small Wireless Facilities” which shall read as follows:

**§55-30A.1 - Definitions.**

- A. All definitions of words, terms and phrases that are set forth in the Communications Act of 1934, P.A. 73-416, as amended by various statutory enactments including, but not limited to, the Telecommunications Act of 1996 P.L. 104-104, are incorporated herein and are made apart hereof.
- B. All definitions of the words, terms and phrases that are set forth in the portion of the Middle-Class Tax Relief and Job Creation Act of 2012, P.L. 112-96, as codified in 47 U.S.C. §455, are incorporated herein and are made a part hereof.
- C. All definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et. seq.*, are incorporated herein and are made apart hereof.
- D. All of the definitions of words, terms and phrases that are set forth in the Code of Federal Regulations at 47 C.F.R. §1.6002, as amended, are incorporated herein and are made a part hereof.
- E. In addition to the foregoing, the following words, terms and phrases shall have the meanings indicated unless an alternate meaning clearly is discernable from the context in which the word, term or phrase is used:

**Personal Wireless Services**

“Personal Wireless Services,” as defined in 47 U.S.C. §332(c)(7)(C), as supplemented and/or as amended.

**Public Right-of-Way**

The surface, the airspace above the surface and the area below the surface of any street, road, highway, lane, alley, boulevard or drive, including the sidewalk, shoulder and the area for utilities owned by the Township or within an easement to the public or other easement owned by the Township.

**Small Wireless Facility**

“Small Wireless Facility,” as defined in the Code of Federal Regulations at 47 C.F.R. §1.6002(1), as supplemented and/or as amended.

**Smart Pole**

A decorative utility pole that conceals, disguises or camouflages one or more Small Wireless Facility installation(s) and may include other

features such as street lighting, 911 call service access, public access Wi-Fi and surveillance cameras. A Smart Pole must allow for multiple occupants and allow space for municipal use for other services and/or equipment. Smart Poles shall neither have external latches, external hinges, nor external cabling. The pole should be made of an inherently rust-resistant material (i.e., aluminum alloys or stainless steel).

#### **Utility Pole**

A wooden or metal pole that is used by public utilities to support electrical wires, telephone wires, coaxial cables, fiber optic cables and similar appurtenances.

- F. In the event that a term, word or phrase is not defined in any of the aforementioned statutes and is not otherwise defined herein then that term, word or phrase shall have its common, ordinary meaning.

### **§55-30A.2 Small Wireless Facility Siting Permit Requires; Consent to Use**

#### **Rights-of-Way Required.**

- A. No person shall place a Small Wireless Facility in any right-of-way without first filing a Small Wireless Facility siting permit application, in the form specified herein and in accordance with the procedures specified herein, with the Township Clerk and obtaining a siting permit therefore, except as otherwise may be provided in this Ordinance. Upon approval of a siting permit application, the siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall not be issued by the Township Clerk to any Applicant unless:
1. All siting permit application fees and escrow fees, as established herein, have been paid; and
  2. All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the Applicant's siting permit application under the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119, *et. seq.*, and the administrative regulations adopted thereunder, Chapter 336, Streets and Sidewalks, of the Code of the Township and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the Applicant and the Applicant has supplied copies of such other permits or approvals to the Township Clerk for inclusion with the Applicant's application documents; and
  3. The Applicant has entered into a "Right-of-Way Use Agreement," the approved form of which is on file in the Office of the Township Clerk and can be obtained during normal business hours. The approved form of "Right-of-Way Use Agreement" may from time-to-time be revised, supplemented or otherwise amended or

replaced. All such revisions, supplements, amendments or replacement shall be approved by Resolution of Township Committee. The Township Clerk shall maintain on file the currently approved Right-of-Way Use Agreement version and shall provide a copy to all siting permit applicants. Minor deviations to the terms and conditions that are set forth in the approved form of Right-of-Way Use Agreement may be approved by Township Committee at the time that it grants consent to use a right-of-way to a siting permit Applicant.

- B. No siting permit authorizing placement of a Small Wireless Facility in a public right-of way shall be issued to any Applicant unless Township Committee, in the manner prescribed by applicable laws of the State of New Jersey, has granted to the siting permit Applicant its consent to use public rights-of-way within the Township. No siting of a Small Wireless Facility shall be permitted within two hundred (200) feet of another Small Wireless Facility unless it can be established by clear and convincing evident that co-location on an existing or previously approved Small Wireless Facility is not feasible. Any claims of carriers of technical incompatibility or inability to collocate need to be proven by the carrier, not disproven by the Township. Responsibility for judging proof of said claims lies solely with the Township and/or its chosen representative(s).

**§55-30A.3 Installation of New Structures; Installation on Existing Structures.**

- A. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility upon an existing structure in a right-of-way unless the structure is a Smart Pole as set forth in the definitions of this Ordinance.
- B. No Small Wireless Facility shall be installed upon any new structure within any right-of-way unless the new structure is a Smart Pole as defined in the definition section of this Ordinance. A replacement pole is a new structure.
- C. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility in an area other than those specific locations set forth within the Township's Wireless Siting Plan which can be found on file with the Township Clerk. All Small Wireless Facilities must be placed within a twenty-five (25) foot radius of those specific locations set forth on the Township's Wireless Siting Plan. No more than one (1) Smart Pole shall be permitted per intersection or block if the Siting Plan calls for the deployment of a Small Wireless Facility at any location other than an intersection, unless otherwise specified within the Wireless Siting Plan. No Smart Poles shall be located within two hundred (200) ft. of another.



#### **§55-30A.4 Siting Permit Application Process.**

- A. Application Filing. An application for a siting permit to place one or more Small Wireless Facility within a right-of-way shall be made on forms which shall be available from the Township Clerk. The application, along with the required application fee and the required escrow fee, shall be filed with the Township Clerk. Immediately upon receipt of an application, the Township Clerk shall provide copies of the application and all supporting documents that were submitted by the applicant with the application, to the Township Engineer, the Construction Official, and the Township Attorney.
- B. Application Form. The Small Wireless Facility siting permit application shall be made by a provider of personal wireless services, or its duly authorized representative as noted in a notarized statement from the provider of personal wireless services on whose behalf the representative is acting, and shall contain the following:
1. The Applicant's name, address, telephone number and email address;
  2. The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
  3. A general description of the proposed Small Wireless Facility, existing structure and new structure work to be performed. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with particular emphasis on those matters, including, but not limited to, subservice utilities likely to be affected or impacted by the work proposed along with a description of such other governmental permits or approvals as may be required by applicable law with respect to the proposed installation(s) and a description of such other permits or approvals for which the Applicant has applied;
  4. Authorization for any consultant acting on behalf of the Applicant to speak with the Township, or a designee of the Township, on the area of consultation for the Applicant even if the Applicant cannot be available;
  5. Verification from an appropriate professional that the Small Wireless Facility shall comply with all applicable federal, state, and local laws, administrative regulations and codes;
  6. The Applicant shall certify that they shall market the availability of approved facilities to all major wireless carriers in the marketplace. The Applicant shall further certify that they will

encourage, manage and coordinate the location and placement of an interest carrier's equipment on their structure.

- C. An Applicant seeking to deploy a network of Small Wireless Facilities, all of which are to be located in rights-of-way, may file a batched application for up to twenty-five (25) Small Wireless Facilities and receive a single siting permit for multiple Small Wireless Facilities.

**§55-30A.5 Procedure on Permit Application; No Exclusive Rights.**

- A. The Township shall review the application for a Small Wireless Facility siting permit in light of its conformity with the provisions of this Ordinance, and shall approve a siting permit on nondiscriminatory terms and conditions subject to the following requirements:
  - 1. Whether the Application is complete;
  - 2. If the Application is incomplete, what specific information is missing; and
  - 3. Whether the deployment of the Small Wireless Facilities as proposed requires the Applicant to apply for other permits, such as a street opening permit or construction permit, for which the Applicant has not yet applied. No Small Wireless Facility siting permit application shall be deemed complete until the Applicant has applied for all other permits and approvals required by all other laws and regulations that are applicable to the Applicant's proposed Small Wireless Facility deployment.
- C. The Township shall make its final decision to approve or deny the Application within the following timeframes:
  - 1. Sixty (60) days from the submission of a complete application to install a Small Wireless Facility upon one or more existing structures.
  - 2. Ninety (90) days from the submission of a complete application to install a Small Wireless Facility upon one or more new structures.
  - 3. Ninety (90) days from the submission of a complete batched application to install Small Wireless Facilities upon both existing and new structures.

The timeframes described above by which an application shall be either approved or denied may be extended by mutual consent of the Applicant and Township. Such consent shall be set forth on a form for such purposes which shall be

available from the Township Clerk. Such consent on behalf of the Township shall be exercised by the Township Committee in their reasonable discretion.

- D. The Township Clerk shall notify the Applicant in writing of the final decision, and if the Application is denied, specify the basis for denial; and cite such specific provisions, as may be recommended, by the Township Attorney, from federal, state, or local laws, administrative regulations or codes as to why the Application was denied.
- E. Notwithstanding an initial denial, the Applicant may cure any deficiencies identified by the Township within thirty (30) days of the denial without paying any additional application fee, provided the Township Clerk shall approve or deny the revised Application within thirty (30) days of receipt of the amended application which shall be limited to the deficiencies specified in the original notice of denial.
- F. If the Township fails to act upon an application within the timeframes prescribed by this section, the Applicant may provide written notice to the Township that the application review and decision period has lapsed. Upon receipt of such notice, the Township Committee, by Resolution adopted no later than its second regularly scheduled public meeting next following receipt of the notice, shall either deny the application or direct that the siting permit shall be approved and issued. Nothing in this paragraph is intended in any way to impact any other right or remedy that may be available to the Applicant under applicable federal or state law if the Township fails to act upon an application within the timeframes prescribed by this section.
- G. A siting permit from the Township authorizes an Applicant to undertake only certain activities in accordance with this Ordinance. No approval or consent granted, or siting permit issued, pursuant to this Ordinance shall confer any exclusive right, privilege, license or franchise to occupy or use any public right-of-way within the Township for the delivery of telecommunications services or for any other purpose.

#### **§55-30A.6 Duration.**

No siting permit issued under this Ordinance shall be valid for a period longer than twelve (12) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the Applicant, the Township Committee, upon consultation with the Construction Official, may extend the siting permit for a period of up to twelve (12) months so long as construction has begun at the time that the Applicant's request for an extension is made.

#### **§410-200 Routing Maintenance and Replacement.**

- A. A Small Wireless Facility siting permit shall not be required for:
  - 1. Routine maintenance of a Small Wireless Facility.

2. The replacement of a Small Wireless Facility with another Small Wireless Facility that is substantially similar or smaller in size, weight, and height to the Small Wireless Facility that is being replaced.
- B. On a location where the Township and/or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written authorization from the Township and/or the other provider, as the case may be, to proceed is provided to the Township, which authorization to proceed shall not unreasonably be withheld by the Township and/or the other provider.
- C. If the replacement of a Small Wireless Facility with another Small Wireless Facility includes replacement of the structure to which the Small Wireless Facility is attached, then an application for a siting permit shall be required.

#### **§55-30A.7 Application Fees.**

All applications for approval and issuance of a Small Wireless Facility siting permit pursuant to this Ordinance shall be accompanied by a fee as follows:

- A. For application that do not include the installation of any new structure within a right-of-way the application fee shall be \$500.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).
- B. For applications that include the installation of a new structure within a right-of-way, the application fee shall be \$1,000.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).

#### **§55-30A.8 Escrow Fee for Third-Party Professionals and Consultants.**

- A. In addition to the application fee, all applications for approval and issuance of a Small Wireless Facility siting permit shall be accompanied by an escrow fee as follows:
  1. For applications whose proposed Small Wireless Facility deployment(s) will not require a street opening permit pursuant to the Township Code: \$5,000.00.
  2. For applications whose proposed Small Wireless Facility deployment(s) will require a street opening permit pursuant to the Township Code: \$7,500.00.
- B. The escrow account deposits are required to pay for the costs of professional services, including engineering, planning, legal and other

third-party professional consulting expenses connected with the review of submitted materials, including any traffic engineering review or other special analysis related to the Township's review of the material submitted by the Applicant and the preparation of any reports or any necessary legal agreement regarding rights-of-way use. An Applicant is required to reimburse the Township for all fees, costs and expenses of third-party professionals and consultants incurred and paid by the Township for the review process of s Small Wireless Facility siting permit application, such as, but not limited to:

1. Professional fees for review by third-party professionals or consultants of applications, plans and accompanying documents;
  2. Issuance of reports or analyses by third-party professionals or consultants to the Township setting forth recommendations resulting from the review of any documents submitted by the Applicant;
  3. Charges for any telephone conference(s) for meeting(s), including travel expenses, requested or initiated by the Applicant, the Applicant's attorney or any of the Applicant's experts or representatives;
  4. Review of additional documents submitted by the Applicant and issuance of reports or analyses relating thereto;
  5. Review or preparation of right-of-way use agreements, easements, deeds, right-of-way municipal consent Ordinances or resolutions and any and all other like or similar documents; and
  6. Preparation for an attendance at all meetings by third-party professionals or consultants serving the Township, such as the Township Attorney, Township Engineer and Township Planner or other experts as required.
- C. The escrow account deposits shall be placed in a separate account by the Township's Chief Financial Officer at the request of the Township Clerk and an accounting shall be kept of each Applicant's deposit. Thereafter:
1. All third-party professional or consultant fees, costs, expenses and charges shall be paid from the escrow account and charged to the applicant;
  2. Upon either final denial of a Small Wireless Facility siting permit application or upon issuance of a Small Wireless Facility siting permit, any moneys not expended for third-party professional, or consulting services shall be returned to the Applicant within ninety (90) days upon written request by the Applicant and as authorized by the Township Committee;

3. If at any time during the application review process 75% of the money originally posted shall have been expended, the Applicant shall be required to replenish the escrow deposit to 100% of the amount originally deposited by the Applicant;
4. No Small Wireless Facility siting permit application shall be considered complete until such time as the required escrow fee has been posted to guarantee payment of third-party professional or consultant fees, costs, expenses, and charges;
5. All payments charged to the escrow deposit shall be pursuant to vouchers from the third-party professionals or consultants stating the hours spent, the hourly rate and the fees, costs, expenses and charges incurred;
6. Third-party professionals and consultant submitted charges pursuant to this section shall be permitted to charge for such services at the same rates as they would charge their private clients for like or similar work provided that:
  - a. Professional fees are billed at rates that do not exceed such professional fees as are customarily charged by other like professionals and consultants performing similar work within Ocean County; and
  - b. Out-of-pocket costs, expenses and charges are billed on a dollar-for-dollar basis with no mark-up being permitted.
7. The Township shall render a written final accounting to the Applicant on the uses to which the escrow deposit was put. The written final accounting shall include copies of all vouchers that were submitted by third-party professionals and consultants and paid by the Township.

#### **§55-30A.9 Municipal Access to New Structures.**

An Applicant whose siting permit includes the installation of any new Smart Pole structure as defined by this Ordinance shall provide the Township with access to any of the technological features that are a component the new Smart Pole structure such as, for example, public access, Wi-Fi, 911 call service or security cameras, before the applicant offers such access to any other person or entity.

Should the Township decide to utilize any such technological features then the Township, on an annual basis, shall reimburse the Applicant or the subsequent owner of the structure, the costs, on a dollar-for-dollar basis, of providing the Township with such access. Such costs shall be limited to the costs of providing electricity to the components used by the Township and the costs of any repairs required to be made to the components used by the Township, unless the repairs costs are necessitated by the acts of the

Applicant or subsequent owner of the structure, without regard to whether such acts are negligent or intentional.

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

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

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

#### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the \_\_\_\_ day of \_\_\_\_\_, **2022**, at \_\_\_\_\_ P.M. and will be considered for second and final passage at a meeting of the Township Committee to be held on the \_\_\_\_ day of \_\_\_\_\_, **2022**, at \_\_\_\_\_ AM/PM. at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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Donna M. Manno, Township Clerk  
Township of Barnegat

## APPENDIX A

(Form of Approved Small Wireless Facility Right-of-Way Agreement)

### **SMALL WIRELESS FACILITY RIGHT-OF-WAY USE AGREEMENT**

This Right-Of-Way Use Agreement ("Agreement") is made and entered into on \_\_\_\_\_, 20\_\_ by and between Barnegat Township (the "Township"), a New Jersey Municipality, having its municipal offices at 900 West Bay Avenue, Barnegat, New Jersey 08005 and APPLICANT ("Licensee"), having a mailing address at APPLICANT ADDRESS.

Throughout this Agreement Barnegat and Licensee each may be referred to as a "Party" and collectively may be referred to as the "Parties."

### **WITNESSETH**

**WHEREAS**, the Township is a municipality duly formed, organized and existing in accordance with the laws of the State of New Jersey; and

**WHEREAS**, the Township possesses and exercises control over various permanent rights-of-way that are, or are planned to be, utilized for streets, roads and highways and those rights-of-way are depicted on the current Barnegat Tax Map and/or other maps and documents of public record; and

**WHEREAS**, various public utilities that are subject to the jurisdiction of the New Jersey Board of Public Utilities such as, by way of example and not by way of limitation, Jersey Central Power & Light, have erected and maintain utility poles within the public rights-of-way in the Township for use in connection with supplying and distributing electricity, telephone services, cable television, telecommunication services and/or other utilities pursuant to consent previously granted by Barnegat; and

**WHEREAS**, Licensee does not presently have the right to maintain utility poles in any municipal right-of-way within the Township or to otherwise use or occupy any municipal right-of-way within the Township for any of its Small Wireless Facilities, as hereinafter defined; and



**WHEREAS**, Licensee has petitioned the Township for its consent to locate, place, attach, install, operate, control, maintain, upgrade and enhance its Small Wireless Facilities in municipal rights-of-way as well as on utility poles and/or other facilities that are owned by third parties which already are located in municipal rights-of-way pursuant to municipally granted franchises or otherwise; and

**WHEREAS**, N.J.S.A. 48:3-18 provides that any person may enter into a written agreement with any other person owning utility poles erected under municipal consent in any street, highway or other public place for use by the former person and N.J.S.A. 48:3-19 requires that the former person obtain the consent of the municipality for use by the former person of the poles of another if the former person does not have the lawful right to maintain poles in such street, highway or public place; and

**WHEREAS**, as to those utility poles or structures that are owned by third parties and which are located in municipal rights-of-way pursuant to municipally granted franchises or otherwise, Licensee has provided the Township with evidence, consisting of written agreements, that it has obtained consent from those third parties to use the utility poles or structures that are owned by those third parties; and

**WHEREAS**, consent for use of any street, avenue, park, parkway, highway or other public place may be granted by ordinance and not otherwise; and

**WHEREAS**, the Barnegat Township Committee adopted Ordinance **ORDINANCE NUMBER** which authorizes the making and execution of this Agreement.

**WHEREAS**, Barnegat established the order of preference for Small Wireless Facility attachments as 1. Existing or approved concealment or smart pole; 2. Wood Pole Attachment where 1. is shown not to be viable; 3. New standalone, single-occupant pole where 1. and 2. are shown not to be viable.

**NOW, THEREFORE**, for and in consideration of the covenants and obligations contained herein and for other good and valuable consideration, the receipt and sufficiency of which hereby is acknowledged, the Parties hereby agree as follows:

1.     **Incorporation of Preamble.** All of the statements of the Preamble are repeated and are incorporated herein and are made apart hereof by this reference thereto as if set forth at length.

2.     **Definitions.** All definitions of words, terms and phrases that are set forth in the Communications Act of 1934, P.L. 73-416, as amended by various statutory enactments including, but not limited to, the Telecommunications Act of 1996 P.L. 104-104, are incorporated herein and are made apart hereof.

All definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:550-1, et. seq., are incorporated herein and are made apart hereof.

In the event that a term, word or phrase is not defined in any of the aforementioned statutes and is not otherwise defined by this Agreement then that term, word or phrase shall have its common, ordinary meaning.

"Township" means the Township of Barnegat in the County of Ocean.

"County" means the County of Ocean in the State of New Jersey.

"Licensee" means NAME OF LICENSEE.

"Public Right-Of-Way" means the surface, the airspace above the surface and the area below the surface of any street, road, highway, lane, alley, boulevard or drive, including the sidewalk, shoulder and area for utilities owned by the Township of Barnegat within an easement to the public or other easement owned by the Township.

"Pole" means a wooden or metal pole that is used to support electrical wires, telephone wires, coaxial cables, fiber optic cables and the like.

3. **Grant of Consent.** In accordance with the provisions of N.J.S.A. 48:3-19, et. seq., and Township Ordinance **ORDINANCE NUMBER**, and subject to obtaining the permission of the owner(s) of the affected Utility Poles, the Township hereby grants approval and consent to Licensee, its consultants, agents and contractors, to enter upon Public Rights-of-Way within the confines of the Township for the purpose of owning, constructing, attaching, operating, maintaining, removing, reattaching, reinstalling, relocating and replacing its Small Wireless Facilities that more particularly are depicted and are described in Section One: Definitions, made a part hereof, upon the Poles that are particularly identified in Section One: Definitions all of which Poles are located in Public Rights-Of-Ways and all of which Poles are owned by third parties. Licensee represents that it has obtained consent from the owners of the Utility Poles to utilize those Poles for the aforementioned purposes.

Licensee shall furnish to the Township, as Exhibit B, evidence of its Pole attachment agreement(s) made pursuant to N.J.S.A. 48:3-18 and/or N.J.S.A. 14:18-2.9, et. seq. Further, the Township hereby grants approval and consent to Licensee, its consultants, agents and contractors, to enter upon Public Rights-of-Way within the confines of the Township for the purpose of constructing and owning, such new utility poles or new structures for the purposes attaching, operating, maintaining, removing, reattaching, reinstalling, relocating and replacing its Small Wireless Facilities that more particularly are depicted and are described in Section One: Definitions, made a part hereof.

Nothing in this Agreement shall be construed as authorizing Licensee to own, construct, attach, operate, maintain, remove, reattach, reinstall, relocate and/or replace any Small Wireless Facility, Utility Pole or any other structure unless the Licensee first has obtained all permits and other approvals therefore, as required by all applicable laws and regulations. Nothing in this Agreement shall be construed as granting Licensee consent to utilize any rights-of-way over which the Township lacks authority to grant consent such as any right-of-way over which the County or the State of New Jersey have exclusive authority. This Grant of Consent is a grant of consent generally to use the right of way but is not a grant

of consent to place any specific facilities at any specific site. Exhibit A will contain the list of approved locations and installation details.

4. **Term.** The term of this Agreement shall be fifteen (15) years, commencing on \_\_\_\_\_, 202\_, unless sooner terminated by either Party in accordance with the provisions of this Agreement. The term of this Agreement may be extended by mutual written agreement for up to four (4) successive terms of five (5) years each on the same terms and conditions as are set forth herein.

5. **Non-Exclusive License.** This Agreement is a non-exclusive license. It shall not be recorded. Any and all rights granted to Licensee under this Agreement shall be exercised at Licensee's sole cost and expense, shall be subject to the prior and continuing right of the Township to use any and all parts of its Public Rights-of-Way exclusively or concurrently with any other person or entity and further shall be subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances and claims of title of record which may affect the Public Rights-of-Way. Nothing in this Agreement shall be deemed to grant, convey, create or vest in Licensee a real property interest in any land, including any fee, leasehold interest or easement.

6. **Compliance with Laws; Required Permits; Utilities; Maintenance.**

(a) **Compliance with Laws.** Licensee shall comply with all applicable federal, state and Township laws, administrative regulations, codes, zoning ordinances, ordinances, standards, specifications and requirements relating to the construction, installation, operation, maintenance and control of Licensee's Small Wireless Facilities, appurtenant equipment, structures and utility poles defined in Section One: Definitions, in the designated locations within the Public Rights-of-Way. Licensee shall not attach, install, maintain or operate any Small Wireless Facility within any Public Right-of-Way without a permit therefore first having been issued by the Township. Therefore, in the event that Licensee desires to construct, attach, install, maintain or operate any additional Small Wireless Facilities, Utility Poles or structures within a Public Right-of-Way that is not defined in Section One: Definitions then such construction, attachment, installation,

maintenance or operation first shall be approved by a majority vote of the governing body and permit therefore issued by the Township prior to the commencement of such construction, attachment, installation, maintenance or operation of the Small Wireless Facilities, Utility Poles or structures.

(b) **Required Permits.** If the attachment, installation, operation, maintenance or location of any Small Wireless facility by Licensee in any Public Right-of-Way requires any permit, including any Township street opening permit, then Licensee, if required under applicable Township ordinances, shall apply for the appropriate permit with the appropriate municipal official and shall pay the required fee therefore.

(c) **Utilities.** Licensee shall pay for all utilities used (and connections to said utilities) in connection with the installation, operation and maintenance of its Small Wireless Facilities. Licensee agrees to take utility access from the nearest possible connection in order to minimize utilization of the Public Rights-of-Way.

(d) **Maintenance.** In the performance and exercise of its rights and obligations under this Agreement, Licensee, at its sole cost and expense, shall maintain its Small Wireless Facilities, its Utility Poles, its structures and any real property utilized to access any of the foregoing in a safe and satisfactory condition as directed by, and to the satisfaction of, the Township, including, but not limited to, removal of any debris generated by Licensee and replacement of any plants, trees or vegetation damaged or destroyed by Licensee. In the event that any of Licensee's Small Wireless Facilities, and appurtenances thereto, its Utility Poles or its structures causes damage to any Public Right-of-Way or interferes with the performance of any of the Township's public duties or other uses of the Public Rights-of-Way, Licensee agrees, upon notice from the Township, to promptly commence and complete all necessary repairs to cure any such damage at Licensee's sole cost and expense. If Licensee fails to repair the damage within 30 days after receiving notice from the Township or if an emergency necessitates immediate repair of the damage, then the Township, in its sole discretion, may perform the repair work itself in which case Licensee shall reimburse the Township for the cost of the repair work within thirty (30) days after receiving a statement detailing such costs.

7. **Removal and Relocation.** Within 30 days following written notice from the Township, Licensee, at its own expense, shall temporarily or permanently remove, relocate, change or alter the position of any of its Small Wireless Facilities, Utility Poles or structures if the Township determines that (a) such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any the Township's improvements in or upon, the Public Right-of-Way; or (b) because the Small Wireless Facilities, Utility Poles or structures are interfering with or adversely affecting proper operation of street lighting, traffic signaling or other poles; or (c) the widening of the Public Right-of-Way necessitates such removal, relocation, change or alteration. In such instance, the Township shall cooperate with Licensee to find a replacement location for its Small Wireless Facilities that will provide similar radio frequency coverage as is provided by the Small Wireless facilities to be removed or relocated. Once the emergency condition no longer exists Licensee shall apply for any permit for the work that was performed during the emergency that it would have had to secure for said work prior to performing said work in the absence of the emergency.

8. **Emergent Conditions.** Licensee shall maintain all of its Small Wireless facilities, Utility Poles and structures at Licensee's sole cost and expense. The noncompliance with normally required procedures for securing a required permit shall be excused when Licensee reasonably determines that an emergency exists. If an emergency creates a hazard on the traveled portion of the Public Right-of-Way, then Licensee shall take immediate steps to provide all necessary protection for traffic on the roadway including the use of signs, lights, barricades or flaggers. Licensee shall, as soon as practical, notify the Township's Township Engineer, Construction Official, or their designees, and the Township Police Department of the emergency, informing them as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. On nights and weekends the Licensee shall notify the Township Police Department of an emergency if the Township Engineer and Construction Official are unavailable. If the nature of the emergency is such as to interfere with the free movement of traffic, the Township Police Department shall be notified immediately, prior to any

other action being taken. To the extent that the Township has actual knowledge of the displacement or damage to any of Licensee's Small Wireless Facilities, Utility Poles or structures, it shall inform Licensee upon learning of the same.

9. **Personal Property Owned by Licensee.** All Small Wireless Facilities, Utility Poles and structures covered under this Agreement shall be considered personal property and shall remain the property of and shall be under the dominion and control of the Licensee. Such personal property may not be utilized by any third party without the express prior written consent of Licensee, but Licensee, upon the request of the Township and at no cost to Licensee, shall cooperate with any third party in collocating the third party's equipment upon any Utility Pole or structure upon which Licensee has installed any Small Wireless facility.

10. **Insurance and Indemnity.**

(a) Licensee shall secure and maintain commercial general liability insurance or self- insurance with limits of \$2,000,000 for injury or death on one or more persons in any one occurrence and in the aggregate and \$2,000,000 for damage or destruction in any one occurrence and in the aggregate insuring Licensee as named insured and listing the Township as an included insured on the policies. The Township's included insured status shall (i) be limited to bodily injury, property damage or personal and advertising injury caused, in whole or in part, by Licensee, its employees, agents or independent contractors; (ii) not extend to claims for punitive or exemplary damages arising out of the acts or omissions of the Township, its employees, agents or independent contractors or where such coverage is prohibited by law or to claims arising out of the gross negligence of the Township, its employees, agents or independent contractors; and, (iii) not exceed Licensee's indemnification obligation under this Agreement, if any. Notwithstanding the forgoing, Licensee may, in its sole discretion, self-insure any of the required insurance under the same terms as required by this Agreement. In the event Licensee elects to self-insure its obligation under this Agreement to include the Township as an additional insured, the following conditions apply: (i)

the Township shall promptly and no later than thirty (30) days after notice thereof provide Licensee with written notice of any claim, demand, lawsuit, or the like for which it seeks coverage pursuant to this Section and provide Licensee with copies of any demands, notices, summonses, or legal papers received in connection with such claim, demand, lawsuit, or the like; (ii) the Township shall not settle any such claim, demand, lawsuit, or the like without the prior written consent of Licensee; and (iii) the Township shall fully cooperate with Licensee in the defense of the claim, demand, lawsuit, or the like. If Licensee elects to self-insure then it or its affiliated parent shall maintain a financial net worth of at least \$100,000,000 and it or its affiliated parent shall provide the Township with a certificate of self-insurance along with a copy of its or its affiliated parent's latest financial statement (or a link to an internet web site from which the Township may print a copy of the financial statement) showing a net worth of not less than \$100,000,000 as sufficient evidence to demonstrate its or its affiliated parent's financial ability to self-insure the insurance coverage and limits that are specified in this paragraph 10(a).

(b) Certificates of the insurance required by this paragraph 10, along with the evidence of financial ability to self-insure as described in paragraph (a) above, if applicable, shall be provided to the Township within ten (10) days following the effective date of this Agreement and prior to obtaining any permits required under paragraph 6(b). Thereafter, and so long as this Agreement remains executory, Licensee shall provide certificates of insurance or of self-insurance reflecting the requirements of this paragraph to the Township within ten (10) days following receipt of a written request from the Township. Production of a certificate of self-insurance always shall be accompanied by the evidence of ability to self-insure that is described in paragraph 10(a) above. Should any policy of insurance on which the Township is an included insured be cancelled before the expiration date thereof then Notice of the cancellation shall be provided to the Township in accordance with the policy provisions by Licensee or by its affiliated parent or by



the insurer.

(c) Licensee agrees to indemnify and hold harmless the Township against any claim of liability or loss from personal injury or property damage to the extent directly resulting from or arising out of the negligence or willful misconduct of the Licensee, its employees, contractors or agents, except to the extent such claims or damage may be due to or caused by the negligence or willful misconduct of the Township, or its employees, contractors or agents. The Township will provide the Licensee with prompt, written notice of any claim covered by this indemnification and hold harmless provision; provided that any failure of the Township to provide any such notice, or to provide it promptly, shall not relieve the Licensee from its indemnification and hold harmless obligation in respect of such claim, except to the extent the Licensee can establish actual prejudice and direct damages as a result thereof. The Township shall cooperate with the Licensee in connection with the Licensee's defense of such claim. The Licensee shall defend the Township, at the Township 's request, against any claim with counsel of the Township's choosing that is reasonably satisfactory to the Licensee.

(d) The legal liability of the Licensee to the Township and any person for any of the matters that are the subject of the insurance policies required by this paragraph shall not be limited by such insurance policies or by the recovery of any amounts thereunder, however neither the Township nor the Licensee shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this Agreement.

11. **No Waiver of Breach of Remedies.** No waiver by a Party of any breach of this Agreement or of any representation hereunder by the other Party shall be deemed to be a waiver of any other breach by the other Party (whether preceding or succeeding and whether or not of the same or similar nature), and no acceptance of performance by a Party after any breach by the other Party shall be deemed to be a waiver of any breach of this Agreement or of any representation hereunder by the other Party whether or not the first Party knows of such breach at the time it accepts such performance. No failure or

delay by a Party to exercise any right it may have by reason of the default of the other Party shall operate as a waiver of default or modification of this Agreement or shall prevent the exercise of any right by the first Party while the other Party continues to be so in default. Any remedy that either Party may have by reason of a breach of any provision of this Agreement by the other Party at all times shall be preserved and may not be waived.

12. **Mediation of Disputes.** In the event of any dispute concerning the interpretation of the terms of this Agreement or of the obligations of either Party under this Agreement, the Parties shall attempt in good faith to resolve such dispute via consultation between their designated representatives. If such consultation fails to resolve the dispute, then the Parties agree to submit the dispute to mediation. The mediation shall be initiated by one Party serving the other Party with a written demand to mediate. The mediation demand shall include the initiating Party's designation of a mediator. Within fourteen (14) days of receipt of the mediation demand the Party receiving the mediation demand shall either agree to the mediator designated by the other Party or shall provide the other Party with its written designation of a mediator. Thereafter, the designated mediators immediately shall jointly designate a third mediator who shall be either a New Jersey licensed attorney-at-law or a retired judge of the Superior Court of New Jersey. Payment of mediation fees, costs and expenses shall be split evenly amongst the Parties. The mediated resolution of the dispute may include a provision that provides for something other than an even split of the mediation fees, costs and expenses.

13. **Severability.** If any provision of this Agreement or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this Agreement nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.

14. **Governing Law.** This Agreement shall be governed, construed and interpreted by, through and under the laws of the State of New Jersey without reference to conflict of law principles, except in such instances when the laws of the United States preempt the

laws of the State of New Jersey and all actions, suits and litigation arising under the terms of this Agreement shall be litigated in the Superior Court of New Jersey, Ocean County, or in the United States District Court for the District of New Jersey (Camden), but no such litigation shall be initiated by a Party until there has been compliance with the mediation provisions of this Agreement that are set forth above. In the event of litigation arising out of this Agreement, the prevailing party shall not be entitled to recover its costs of suit and attorney's fees from the non-prevailing party unless such recovery is specifically and expressly provided for by a statute of the United States or a statute of the State of New Jersey.

15. **Entire Agreement.** This Agreement contains the entire understanding between the parties, and such understanding may not be modified or terminated except in writing and signed by all parties to this Agreement.

16. **Notice.** Any notice required or permitted under this Agreement or under state or federal law shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested or by a nationally-recognized overnight delivery service. The Township and Licensee may change the address required for service of any notice by providing the other party to this Agreement with a new address for sending and receiving of required notices under this Agreement. No notice required under this Agreement may be served validly by email. All notices to the Township or Licensee shall be delivered to the following addresses:

Barnegat Township: Donna Manno, R.M.C. Barnegat Township Clerk

Address: 900 West Bay Avenue

Barnegat, New Jersey 08005

Licensee: INSERT NAME AND ADDRESS

With a copy to: INSERT NAME AND ADDRESS

17. **Emergency Contact Information for Licensee.** The emergency telephone contact number to reach Licensee 24 hours per day, seven days per week, is: INSERT PHONE NUMBER. Should that number be disabled or revised for any reason, Licensee shall give the Township immediate notice of an alternate emergency contact telephone number. Additionally, Licensee may be reached during business hours as follows:

INSERT ADDITIONAL CONTACT INFORMATION

18. **Assignment.** Licensee may sell, assign or transfer this Agreement without the need for any approval or consent of the Township to Licensee's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of Licensee's assets in the market defined by the Federal Communications Commission in which the Township is located by reason of a merger, acquisition or other business reorganization. Except as provided in the previous sentence, Licensee may not assign this Agreement without the prior express written consent of the Township, which consent shall not be unreasonably withheld, conditioned, or delayed after written notice to the Township of the request. The terms and conditions herein contained shall be binding upon and inure to the benefit of the permitted successors and assigns of the Parties hereto.

19. **Miscellaneous.**

a. This Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and all those who succeed to their rights and responsibilities, including their respective successors in interest.

b. The headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement and shall not be deemed to explain, modify, amplify or otherwise alter the substance of this Agreement.

c. The Township and Licensee each acknowledge that they have had adequate opportunity to review the contents of this Agreement with legal counsel and have executed this Agreement with full and complete understanding of its

terms.

d. This Agreement (and all exhibits thereto) is deemed to have been jointly prepared by the Parties hereto, and any uncertainty or ambiguity existing herein, if any, shall not be interpreted against any Party, but shall be interpreted according to the application of the rules of interpretation for arm's-length agreements.

20. **Execution.** Each Party represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform its respective obligations under this Agreement. This Agreement may be executed in one or more counterparts, each of which should be deemed an original, but which together shall constitute one and the same instrument.

[Signature Page to Follow]

**IN WITNESS WHEREOF**, and in order to bind themselves to the terms and conditions of this Agreement, the Parties have caused this Agreement to be executed by their proper corporate officers and their corporate seals have been affixed hereto on the date first set forth above.

ATTEST:

BARNEGAT TOWNSHIP

\_\_\_\_\_

, Clerk

\_\_\_\_\_

, Mayor

ATTEST:

INSERT LICENSEE NAME

\_\_\_\_\_

, Witness

\_\_\_\_\_

**ORDINANCE NO. 2022-15**

**AN ORDINANCE OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN AND STATE OF  
NEW JERSEY AMENDING CHAPTER 10 OF THE  
TOWNSHIP CODE ENTITLED  
“ETHICS, CODE OF”**

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 10 of the Township Code entitled “Ethics, Code of” is hereby amended and supplemented as follows:

**SECTION 1.** The following provisions of Chapter 10 of the Township Code entitled “Ethics, Code of” is hereby amended and supplemented to read as follows:

**§10-3.** Deleted.

**§10-4.** Deleted.

**§10-5.** Deleted.

**§10-6.** Deleted.

**§10-7.** Deleted.

**§10-8.** Deleted.

**§10-9.** Deleted.

**§10-10.** Deleted.

**§10-11.** Deleted.

**§10-12.** Deleted.

**§10-13.** Deleted.

**§10-14.** Deleted.

**§10-15.** Deleted.

**§10-16.** Deleted.

**§10-17.** Deleted.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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

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

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

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

#### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **9<sup>th</sup> day of June, 2022**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **5<sup>th</sup> day of July, 2022, at 6:30 PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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Donna M. Manno, RMC  
Municipal Clerk

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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



**ORDINANCE NO. 2022-16**

**ORDINANCE OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AMENDING ORDINANCE 2022-2 AMENDING AND  
SUPPLEMENTING CHAPTER 3 OF THE  
TOWNSHIP CODE ENTITLED  
“ENGINEER, MUNICIPAL”**

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 3 of the Township Code entitled “Engineer, Municipal” and Ordinance 2022-2 are hereby amended and supplemented as follows:

**SECTION 1.** Chapter 3 of the Township Code entitled “Engineer, Municipal” is hereby amended to read as follows:

**§3-1 Creation of Position.**

It is hereby established that within the Township of Barnegat the position of Municipal Engineer. The Municipal Engineer is a full-time Township employee as hired by the Township Committee.

**§3-2 Qualifications.**

Unchanged.

- A. Unchanged.
- B. Unchanged.
- C. Unchanged.

**§3-3 Powers and Duties.**

Unchanged.

- A. Unchanged.
- B. Unchanged.
- C. Unchanged.
- D. Unchanged.

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E. Unchanged.

F. Unchanged.

G. Unchanged.

H. Unchanged.

I. Unchanged.

J. Unchanged.

K. Unchanged.

**§3-4 Special Engineering Consultants.**

Unchanged.

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

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

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

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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

## **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 9<sup>th</sup> day of June, **2022**, at 10:00 AM and will be considered for second and final passage at a meeting of the Township Committee to be held on the 5<sup>th</sup> day of July, **2022**, at 6:30 PM at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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Donna M. Manno, RMC  
Municipal Clerk

DASTI & ASSOCIATES

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Forked River, N.J. 08731

**ORDINANCE NO. 2022-17**

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

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township  
Committee of the Township of Barnegat, County of Ocean, and State of New Jersey  
that Chapter 55 of the Township Code entitled “Land Use” is hereby amended and  
supplemented as follows:

**SECTION 1.**

Chapter 55-65 PAC—Planned Adult Community.

- A. Unchanged.
- B. Unchanged.
- C. Unchanged.
- D. Unchanged.
- E. (1) Unchanged.
  - (2) Unchanged.
  - (3) Unchanged.
  - (4) Unchanged.
  - (5) Unchanged.
  - (6) Unchanged.
  - (7) Unchanged.
  - (8) Unchanged.
  - (9) Unchanged.
  - (10) Unchanged.

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

(11) Internal walkways shall maintain a minimum of three (3) foot side yard setback.

F. Unchanged.

G. Unchanged.

H. Unchanged.

I. Unchanged.

J. Unchanged.

K. Unchanged.

L. Unchanged.

M. Unchanged.

N. Unchanged.

## **SECTION 2.**

Chapter 55-80.1 Fees.

The following fees under Section A of the Ordinance are hereby amended as follows:

	<b>Permit Fees</b>	<b>Application Fees</b>	<b>Escrow Account + Deposits</b>
(16) (c) Temporary event use		\$100.00	None required
(17) Forestry permits: Permit application for cutting of trees and shrubs. (See Section 55-292)	\$100.00	\$ 25.00	None required

## **SECTION 3.**

Chapter 55-151 Design Standards.

A. Unchanged.

B. Access Driveways

(1) Unchanged.

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

(2) The dimensions of entrance and exit driveways and internal roads shall be adequate to accommodate the volume and character of vehicles anticipated to be using the site. The required dimensions for driveways and interior roads shall be as follows:

(a) Unchanged.

(b) Unchanged.

(c) Residential driveways shall be a maximum width of twenty-four (24) feet.

(3) Unchanged.

(4) Unchanged.

(5) Unchanged.

(6) Unchanged.

(7) Unchanged.

(8) Unchanged.

(9) Driveways for residential and commercial site plans are to be curbed on both sides.

(10) Setbacks.

(a) No driveway apron shall be closer to any property line than six (6) feet.

(b) Within all residential zones within the Township, the minimum side yard setback for the paved portion of the driveway shall be:

(i) Three (3) feet within the front yard area only

(ii) Five (5) feet all other locations

(c) For residential and commercial site plans, no driveway shall be closer to any property line than six (6) feet.

(11) Driveway pavement serving heavy duty traffic or providing access to active short-term parking facility shall be constructed of three (3) inches bituminous stabilized base coarse and one and a half (1 ½) inches of FABC surface coarse.

(12) Unchanged.

(13) Unchanged.

(14)Unchanged.

C. Unchanged.

D. Unchanged.

E. Unchanged.

F. Unchanged.

G. Unchanged.

H. Unchanged.

I. Unchanged.

J. Unchanged.

K. Unchanged.

L. Unchanged.

**SECTION 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6.** This ordinance shall take effect after second reading and publication as required by law.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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

## NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the **9<sup>th</sup> day of June, 2022**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **5<sup>th</sup> day of July, 2022, at 6:30PM.** at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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Donna M. Manno, RMC  
Municipal Clerk

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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



## RESOLUTION 2022- 177

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

**WHEREAS**, premiums were paid on Tax Sale Certificates; and

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

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

Block 143; Lot 1.01	119 Bengal Blvd
Block 105; Lot 2;	75 Highland Drive
Block 114.27; Lot 39;	33 Anchor Rd
Block 95.55; Lot 42;	110 Lakeland Dr
Block 208.01; Lot 36;	225 Biscayne Rd
Block 161.10; Lot 17.12;	44 Benjamin Ct

### CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat New Jersey on June 9, 2022.

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Donna M. Manno, RMC  
Municipal Clerk

**RESOLUTION 2022-178**

**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 93.20 Lot 86, address 124 Mission Way the tax account now has a credit of \$2,327.02; and

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

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

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

Robert & Kathleen Stamboni  
124 Mission Way  
Barnegat NJ 08005

**BE IT FURTHER RESOLVED**, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,327.02 to Robert & Kathleen Stamboni, and the Collector to adjust the tax records.

**CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on June 9, 2022

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Donna M. Manno, RMC  
Municipal Clerk

**RESOLUTION 2022-179**

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

**WHEREAS**, a payment has been received by the Tax Office, for the parcel known as Block 95.06 Lot 8, address 15 Morgan Dr the tax account now has a credit of \$2,024.02; and

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

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

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

Robert & Jennifer Hansson  
15 Morgan Dr  
Barnegat NJ 08005

**BE IT FURTHER RESOLVED**, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,024.02 to Robert & Jennifer Hansson, and the Collector to adjust the tax records.

**CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on June 9, 2022

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Donna M. Manno, RMC  
Municipal Clerk

## **RESOLUTION 2022-180**

### **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 259 Lot 9, address 29 Powell Lane the tax account now has a credit of \$1,405.68; and

**WHEREAS**, we had already received a payment on said parcel for 4<sup>th</sup> Quarter 2021 which resulted in an overpayment and

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

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

Michael & Roseanne Ciccarella  
29 Powell Lane  
Barnegat NJ 08005

**BE IT FURTHER RESOLVED**, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$1,405.68 to Michael & Roseanne Ciccarella, and the Collector to adjust the tax records.

### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on June 9, 2022

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Donna M. Manno, RMC  
Municipal Clerk

**RESOLUTION 2022-181**

**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 100 Lot 8, address 12 Eighth St. the tax account now has a credit of \$2,067.68; and

**WHEREAS**, we had already received a payment on said parcel for 3<sup>rd</sup> Quarter 2021 which resulted in an overpayment and

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

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

Michael & Hope Hickey  
12 Eighth St  
Barnegat NJ 08005

**BE IT FURTHER RESOLVED**, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$2,067.68 to Michael & Hope Hickey, and the Collector to adjust the tax records.

**CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on June 9, 2022

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Donna M. Manno, RMC  
Municipal Clerk

## **RESOLUTION 2022-182**

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

**WHEREAS**, a payment has been received by the Tax Office, for the parcel known as Block 114.06 Lot 11, address 40 Compass Ln the tax account now has a credit of \$3,070.46; and

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

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

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

CoreLogic  
3001 Hackberry Road  
Irving TX 75063

**BE IT FURTHER RESOLVED**, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$3,070.46 to Core Logic, and the Collector to adjust the tax records.

### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on June 9, 2022

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Donna M. Manno, RMC  
Municipal Clerk

## **RESOLUTION 2022-183**

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

**WHEREAS**, a payment has been received by the Tax Office, for the parcel known as Block 114.59 Lot 9, address 121 Freedom Hills Dr the tax account now has a credit of \$3,193.75; and

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

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

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

CoreLogic  
3001 Hackberry Road  
Irving TX 75063

**BE IT FURTHER RESOLVED**, by the Township Committee, County of Ocean, State of New Jersey that the Treasurer be directed to draft a check in the amount of \$3,193.75 to Core Logic, and the Collector to adjust the tax records.

### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on June 9, 2022

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Donna M. Manno, RMC  
Municipal Clerk

## **RESOLUTION 2022-184**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING RECYCLING COORDINATOR TO FILE THE 2021 RECYCLING TONNAGE GRANT TO THE STATE OF NEW JERSEY DEP**

**WHEREAS**, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, A resolution authorizing this municipality to apply for the 2021 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township of Barnegat to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and Recycling Regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Barnegat hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Michael Ball to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, on the 9<sup>th</sup> day of June, 2022.

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Donna M. Manno, RMC  
Municipal Clerk



## **RESOLUTION 2022-185**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE BOARD OF EDUCATION ACCESS TO THE BARNEGAT TOWNSHIP GOVERNMENT CHANNEL**

**WHEREAS**, Barnegat Township utilizes a Government Access Channel 22 through Comcast of New Jersey LLC along with Swagit Productions LLC, for informational purposes for their residents, both through Comcast programming and the Barnegat Township website; and

**WHEREAS**, the Barnegat School District desires to broadcast meetings and events on Government Access Channel 22 and the Township website for informational purposes as well; and

**WHEREAS**, the Barnegat Township Committee and Barnegat Board of Education have come to an agreement that this will be an asset to all residents; and

**WHEREAS**, by this Resolution the Barnegat Board of Education agrees to pay the Township \$195.00 per month paid on a quarterly basis for their portion of broadcasting fees;

**THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Barnegat authorizes approval of adding school functions to the Township Government Access channel 22 and the Township website for a fee of \$195.00 per month paid on a quarterly basis.

### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey hereby certify that the foregoing resolution was duly adopted by the Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 9<sup>th</sup> day of June, 2022.

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Donna M. Manno, RMC  
Municipal Clerk

## **RESOLUTION 2022-186**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING THE REQUEST FOR THE RELEASE OF ROAD OPENING BOND FOR 6 ROXBURY DRIVE**

**WHEREAS**, The Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey has received a payment from Basement Waterproofing Solutions, 638 Route 9, South, Freehold, NJ 07728 as a Road Opening Bond for 6 Roxbury Drive, Block 196.04, Lot 3; and

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

**WHEREAS**, the Township has received a letter from CME Associates dated May 3, 2022 approving the release of the road opening bond;

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

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the request for the release of the Road opening bond for 6 Roxbury Drive is hereby approved based on the recommendation of the Township Engineer.

### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their regular meeting held at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey, on the 9<sup>th</sup> day of June, 2022

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Donna M. Manno, 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

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

May 3, 2022

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

**Re: Road Opening Bond Release (Roadway)**  
**6 Roxbury Drive**  
**Block 196.04, Lot 3**  
**Our File: VBG00003.04 (63001)**

Dear Ms. Manno:

As requested in your April 29, 2022 memorandum, please be advised that our office has inspected the road opening at the subject site and find that there appears to be no work performed in the Right-Of-Way. 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**

  
David Barry, PE  
Special Projects Engineer

DMB/map

cc: Martin J. Lisella, Administrator  
Tom Lombarski, CFO

**RESOLUTION NO. 2022 -187**

**RESOLUTION OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN, STATE OF  
NEW JERSEY, AMENDING RESOLUTION 2022-93  
HIRING KURT J. OTTO, PE AS  
TOWNSHIP ENGINEER**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (the "Township") previously adopted Resolution 2022-93 hiring Kurt J. Otto, PE as Township Engineer; and

**WHEREAS**, all the provisions set forth in that resolution shall continue in full force and effect, however, the resolution is amended to indicate that Kurt J. Otto is hired as the Township Engineer.

**NOW THEREFORE BE IT RESOLVED** on the 9<sup>th</sup> day of June 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. Resolution 2022-93 is hereby amended to reflect that Kurt J. Otto, PE was hired as Township Engineer effective March 1, 2022 at an initial annual salary of \$150,000.00.

2. The Mayor, Township Administrator, and Township Clerk are authorized to execute any document necessary to implement the intent of this Resolution.

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

- (a) Alfonso Cirulli, Mayor;
- (b) Martin J. Lisella, Township Administrator;
- (c) Thomas Lombarski, CFO;
- (d) Kurt J. Otto, PE; and
- (e) Christopher J. Dasti, Esq., Township Attorney.

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

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

**CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

\_\_\_\_\_  
Donna M. Manno, RMC  
Municipal Clerk

Prepared by:

**DASTI & ASSOCIATES, P.C.**

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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

## RESOLUTION 2022-188

### RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR A GRANT TO ENHANCE RECREATIONAL PROGRAMS FOR INDIVIDUALS WITH SPECIAL NEEDS OCTOBER 1, 2022 THROUGH JUNE 30, 2023

**WHEREAS**, the Township of Barnegat desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$12,000 with a \$2,400 cash match for the period of October 1, 2022 through June 30, 2023 to carry out a project to enhance Recreational Programs For Individuals With Special Needs, and

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

1. the Township of Barnegat does hereby authorize the application for such a grant;
2. and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Barnegat and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

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Donna M. Manno, RMC  
Municipal Clerk

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Martin Lisella  
Township Administrator

### CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the June 9<sup>th</sup>, 2022.

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Donna M. Manno, RMC  
Municipal Clerk

## RESOLUTION 2022-189

### RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN STATE OF NEW JERSEY AUTHORIZING THE PLACE-TO-PLACE TRANSFER OF LIQUOR LICENSE 1533-33-002-005

**WHEREAS**, an application has been filed for a place-to-place transfer of Plenary Retail Consumption License 1533-33-002-005, heretofore issued to Sun Harbor Seafood LLC, 451 East Bay Avenue, Barnegat, NJ 08005; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

**NOW, THEREFORE, BE IT RESOLVED** that the Barnegat Township Governing Body does hereby approve, effective June 9, 2022, place-to-place transfer of the Plenary Retail Consumption License 1533-33-002-005 to Sun Harbor Seafood LLC, license number now recorded as 1533-33-002-006, 451 East Bay Avenue, Barnegat, NJ 08005 and does hereby direct the Municipal Clerk to endorse the license certificate to the owner as follows: "This license, subject to all its terms and conditions, is hereby transferred to Sun Harbor Seafood LLC, license # 1533-33-002-006 effective June 9, 2022."

### CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Governing Body at their meeting in the Municipal Complex, 900 W. Bay Avenue, on the 9<sup>th</sup> day of June, 2022.

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Donna M. Manno, RMC  
Municipal Clerk

**RESOLUTION 2022-190**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
HIRING A PART TIME CODES ENFORCEMENT OFFICER**

**BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Andrew Manno is hereby hired as a Part-Time Codes Enforcement officer with hours ranging between 15 and 25 hours per week at the rate of \$20.00 per hour beginning June 13, 2022.

**CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their regular meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey, on June 9, 2022.

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Donna M. Manno, RMC  
Municipal Clerk



## **RESOLUTION 2022- 191**

### **RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, GRANTING PRELIMINARY AND FINAL SANITARY SEWER FACILITIES APPROVAL TO PARAMOUNT ESCAPES OCEAN BREEZE, SECTIONS 6-8**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey is in receipt of an application for Preliminary and Final Sewer System Facilities approval from the Applicant, Paramount Homes at Wall, LLC; and

**WHEREAS**, the Applicant has applied for Preliminary and Final Sewer System Facilities Approval from development known as Paramount Escapes Ocean Breeze, Sections 6-8 which are known as Block 90.22 and 90.54 and Lots 2, 2.07, 2.08 and 46 on the Tax Map of the Township of Barnegat; and

**WHEREAS**, the Township Engineer has reviewed the application and has authored correspondence to the Township Committee dated February 13, 2020, a copy of which is attached hereto and made a part hereof recommending that the Applicant be granted Preliminary and Final Sewer System Facilities Approval subject to the requirements set forth in the review letter; and

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

**NOW, THEREFORE, BE IT RESOLVED**, this 9th day of June, 2022, by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township hereby grants Preliminary and Final Sewer System Facilities Approval to Paramount Homes at Wall, LLC for the development known as Paramount Escapes Ocean Breeze, Sections 6-8 subject to all the review comments and recommendations set forth in the February 13, 2020 review letter prepared by the Township Engineer which is attached hereto.

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

- a.) Paramount Homes at Wall, LLC
- b.) Martin Lisella, Township Administrator;
- c.) Stacey Cole, Planning Board Administrator
- d.) Christopher Dasti, Township Attorney
- e.) Kurt Otto, PE, PP, Township Engineer
- f.) Roger Budd, W/S Supervisor
- g.) Dave Barry, CME & Associates

**CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat New Jersey on June 9, 2022.

\_\_\_\_\_  
Donna M. Manno, 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

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

February 13, 2020

Mayor & Township Committee  
Township of Barnegat  
900 West Bay Avenue  
Barnegat, NJ 08005

**Re: Docket No. PB 03-19**  
**Application for Preliminary & Final Sewer**  
**System Facilities Approval - Review #1**  
**Paramount Escapes Ocean Breeze, Sections 6 - 8**  
**Lots 2, 2.07, 2.08, 46 – Blocks 90.22 and 90.54**  
**Barnegat Township, Ocean County, New Jersey**  
**Applicant: Paramount Homes at Wall, LLC**  
**Our File: VBGU0090.01 (60001)**

Dear Mayor & Township Committee:

Our office has received for review an application for Preliminary & Final Water System Facilities approval for the above referenced property. The application was accompanied by the following information:

- A partial set of Preliminary & Final Major Subdivision drawings (10 sheets) prepared by William A. Stevens, PE, PP with Professional Design Services, L.L.C. of 1245 Airport Road, Suite 1, Lakewood, New Jersey and bearing a date of August 30, 2019. The submitted plans consist of sheets 1, 2, 12-14, 21-24, 27.
- Engineer's Report and Construction Specifications for Sanitary Sewer for Paramount Escapes Ocean Breeze, Section 6, 7, and 8 prepared by William A. Stevens, PE, PP dated November 19, 2019.
- A completed Application for Review of Preliminary Plans for Water System Facilities dated November 12, 2019.
- A completed Application for Review of Final Plans for Water System Facilities dated January 23, 2020.

We have reviewed the information submitted in support of this application and offer the following comments:

#### **A. GENERAL COMMENTS**

The property in question is part of the Paramount Escapes Ocean Breeze project which consists of ten (10) sections containing 683 PAC units. Section 1 contains 119 PAC units and is situated in Stafford Township while Sections 2-10 are situated in Barnegat Township and contain 564 PAC units. The Paramount Escapes Ocean Breeze project is situated in the Residential Low/Adult Community (RL/AC) Zone and portions of the project are currently under construction. The property that is the subject of this application is presently vacant and wooded.

The Applicant received Final Major Subdivision approval from the Planning Board by Resolution P-2019-32 which was memorialized on December 17, 2019. This approval permits the Applicant to subdivide the property in question into 129 single-family residential lots consisting of 47 residential lots in Section 6, 49 residential lots in Section 7 and 33 residential lots in Section 8.



Mayor & Township Committee  
Township of Barnegat  
Re: Paramount Escapes Ocean Breeze, Section 6, 7, and 8  
Application for Preliminary & Final Sanitary  
Sewage System Facilities Approval – Review #1

February 13, 2020  
Our File No. VBGU0090.01  
Page 2

The Applicant has applied to the Township Committee for Preliminary & Final Sanitary Sewer System Facilities approval to permit the installation of the sanitary sewer mains and laterals necessary to service this project. The work will consist of the installation of approximately 3,550 LF of 8" SDR-35 PVC sanitary sewer main, 26 manholes and 129 lateral connections. The new sanitary sewer main will be connected to the existing sanitary sewer system at Paramount Escapes Drive, Gooseberry Drive, Honey Suckle Drive, Twilight Drive and Eventide Drive.

## B. REVIEW FEES

Based on our review of this application we have calculated that the following Preliminary and Final Water Review Fees are required:

### ***Preliminary Sewer Review Fee:***

101 plus units – Base Fee	\$ 3,400.00
Plus \$10.00 per unit over 100 (129 units)	\$ 290.00
<b>Total</b>	<b>\$ 3,690.00</b>

### ***Final Sewer Review Fee:***

2% of the estimated cost of construction (2% of \$257,919.00)	\$ 5,158.38
<b>Total</b>	<b>\$ 5,158.38</b>

Please insure that the Applicant has paid the Preliminary Sewer Review Fee of \$3,690.00 and the Final Sewer Review Fee of \$5,158.38.

## C. DESIGN COMMENTS

### **1. General Comments:**

- a. Based on our review of the submitted information, we have determined that the proposed project is located within the existing sanitary sewer system service area in Barnegat Township.
- b. The Applicant proposes to connect the sanitary sewer system to an existing sanitary sewer manhole at Paramount Escapes Drive, Gooseberry Drive, Honey Suckle Drive, Twilight Drive, and Eventide Drive. This proposal is acceptable subject to compliance with all applicable rules and regulations.
- c. Some of the existing storm inlets are not shown on the plans. An example of this is on Twilight Drive Station, Station 3+00. Review and revise accordingly.
- d. Some of the existing storm inlets are shown as proposed. Revise accordingly.
- e. Label all the sanitary manholes on the Utility Plans.



Mayor & Township Committee  
Township of Barnegat

Re: Paramount Escapes Ocean Breeze, Section 6, 7, and 8  
Application for Preliminary & Final Sanitary  
Sewage System Facilities Approval – Review #1

February 13, 2020  
Our File No. VBGU0090.01  
Page 3

**2. Sheet 12:**

- a. Swap the cleanout/curb stop symbols for the dwellings at Block 90.35, Lots 12-15.
- b. The storm pipe crossing at approximately 9+70 on Dusty Miller Drive is in close proximity to the sanitary main and will require a concrete cradle. Call out installation of such.
- c. Our office calculated the slope of the sanitary main from San. MH 104 to San. MH 105 to be 0.50%. Please review calculations and adjust accordingly.
- d. The Inv. N. callout for San. Drop MH 86 should be changed to Inv. W.
- e. Clarify why two sewer services are required for the Block 90.36, Lot 15.

**3. Sheet 13:**

- a. The storm pipe crossing at Station 34+40 on Honey Suckle Drive is in close proximity to the sanitary main and will require a concrete cradle. Call out installation of such.
- b. The storm pipe crossing at Station 28+40 on Paramount Escapes Drive is in close proximity to the sanitary main and will require a concrete cradle. Call out installation of such.
- c. The storm pipe crossing at Station 31+55 on Paramount Escapes Drive is in close proximity to the sanitary main and will require a concrete cradle. Call out installation of such.
- d. There is a discrepancy between the utility plan and profile regarding the invert out of San. MH 92 and the slope of the sanitary main from San MH 92 to San. MH 93.

**4. Sheet 14:**

- a. Call out the sanitary main to tie into the existing main at the intersection of Honey Suckle Drive and Firefly Lane.
- b. There is a discrepancy between the utility plan and profile regarding the manholes and pipes from San. MH 127 to San MH 38C. In order to match the plans of Section 9, we proposed the following revisions:
  - i. Revise the slope of the main spanning San. MH 127 to San. MH 128 to 0.71%.
  - ii. Revise the invert of San MH 128 to 103.60
- c. The storm pipe crossing at Station 30+25 on Honey Suckle Drive is in close proximity to the sanitary main and will require a concrete cradle. Call out installation of such.
- d. Redirect the sewer lateral at Block 90.40, Lot 18. There is a conflict with the lateral and a fire hydrant.
- e. Call out the work being done at San. MH 37.
- f. The storm pipe crossing at approximately 7+00 on Twilight Drive is in close proximity to the sanitary main and will require a concrete cradle. Call out installation of such.



Mayor & Township Committee  
Township of Barnegat

Re: Paramount Escapes Ocean Breeze, Section 6, 7, and 8  
Application for Preliminary & Final Sanitary  
Sewage System Facilities Approval – Review #1

February 13, 2020  
Our File No. VBGU0090.01  
Page 4

- g. The call out for the sanitary manhole at Station 2+00 on Eventide Drive has been cut off. Modify accordingly.
- h. There is a discrepancy between the utility plan and profile regarding the invert of San. MH 97. Revise accordingly.

**5. Sheet 21:**

- a. Provide water information on the profile.
- b. Honey Suckle Drive Profile
  - i. From Station 28+00 to approximately 29+00, the pipes are existing. Have them be shown as such.
- c. Call out where the proposed sanitary main ties into the existing one.
- d. There is a conflict with the storm crossing and the sanitary main near Station 34+40. Review and redesign.

**6. Sheet 22:**

- a. Revise the sanitary pipe spanning San. MH 104 to San. MH 105 from "115 LF – 8" PVC @ 0.40%" to "100 LF – 8" PVC @ 0.50%".
- b. Drop San. MH 86
  - i. Revise "INV=113.36(N)" to "INV=113.36(E)".
  - ii. Remove "INV=121.00(S)"

**7. Sheet 23:**

- a. Paramount Escapes Drive – Drop San. MH 86
  - i. Revise "INV=113.36(N)" to "INV=113.36(E)".
  - ii. Revise "INV=121.0(S)" to "INV=113.46(W)".
- b. There is a discrepancy between the utility plan and profile regarding the invert out of San. MH 92 and the slope of the sanitary main spanning San MH 92 and San. MH 93.

**8. Sheet 24:**

- a. General
  - i. Provide the minimum clearance of each water main loop from the crossing storm and sanitary pipes



Mayor & Township Committee  
Township of Barnegat

Re: Paramount Escapes Ocean Breeze, Section 6, 7, and 8  
Application for Preliminary & Final Sanitary  
Sewage System Facilities Approval – Review #1

February 13, 2020  
Our File No. VBGU0090.01  
Page 5

- b. Eventide Drive
  - i. Provide all information before Station 0+50, including San. MH 96.
  - ii. There is a discrepancy between the utility plan and profile regarding the invert of San. MH 97. Revise accordingly.

**9. Sheet 27:**

- a. Revise "MAHOLE STEPS" to "MANHOLE STEPS"
- b. Show the concrete cradle to encase the sanitary sewer main. There shall be no void from the concrete cradle and the sanitary main

**10. Engineer's Report and Construction Specifications for Water Extension:**

- a. The report referenced a copy of a USGS quadrangle Map (Figure 1). Please provide in report.
- b. There are typographical errors with Mannings' Equation in Section 3) Collection System Design.
- c. The area of the pipe is 0.342 square feet, not 0.170 square feet. Revise calculations that follow.
- d. In Section 6-1.1-B, the trench excavation width at the top of pipe is 2' plus O.D., not 3' plus O.D.
- e. In Section 6-1.1-G, the maximum layer thickness of backfill material is 12 inches.
- f. In Section 6-4.3, there are a number of typographical errors. Revise accordingly.

**D. OUTSIDE AGENCY APPROVALS**

This application is subject to the following outside agency approvals:

- 1. Ocean County Soil Conservation District.
- 2. Ocean County Utilities Authority.
- 3. NJ Pinelands Commission
- 4. New Jersey Department of Environmental Protection - Sanitary Sewer Extension Permit.
- 5. All other outside agency approvals as required.

Upon receipt, the Applicant must submit copies of all outside agency approvals to the Township and our office.



Mayor & Township Committee  
Township of Barnegat

Re: Paramount Escapes Ocean Breeze, Section 6, 7, and 8  
Application for Preliminary & Final Sanitary  
Sewage System Facilities Approval – Review #1

February 13, 2020  
Our File No. VBGU0090.01  
Page 6

Based on the above, it is our recommendation that the Applicant be granted Preliminary & Final Sanitary Sewerage Facilities approval for this project subject to the Applicant complying with the various requirements set forth above. If you have any questions or require any additional information regarding this application, please feel free to call.

Very truly yours,

**CME ASSOCIATES**

Kurt J. Otto, PE, CME  
*Water & Sewer Utility Engineer*

KO/zmj

cc: Martin J. Lisella, Administrator  
Stacey Cole, Planning Board Secretary  
Roger Budd, Water & Sewer Utility Supervisor  
Christopher J. Dasti, Esq., Water & Sewer Utility Attorney  
Paramount Home at Wall, LLC – Applicant  
Professional Design Services, LLC – Applicant's Engineer



**RESOLUTION NO. 2022 –192**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE EXECUTION OF A  
MEMORANDUM OF UNDERSTANDING WITH  
OCEAN MENTAL HEALTH SERVICES.**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (“the Township”) has received a Memorandum of Understanding with Ocean Mental Health Services, (“Ocean MHS”) for a collaborative program related to service in the community under the Federal Grant Funding through the Bureau of Justice Systems and Mental Health Collaboration Program, (collectively “the Program”); and

**WHEREAS**, the Township police officers will provide appropriate screenings of any and all persons under arrest or detainment and refer those with positive responses to the Program; and

**WHEREAS**, the goal of the Program is to become sustainable outcome-based cost savings value from which the residents of Barnegat Township will benefit; and

**WHEREAS**, the term of the agreement is from June 20, 2022 to June 19, 2023; and

**WHEREAS**, a copy of the Memorandum of Understanding is attached hereto as Schedule A and is on file in the office of the Township Clerk and can be reviewed during normal business hours; and

**WHEREAS**, Ocean MHS has executed similar agreements with other municipalities in Ocean County.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey on this 6<sup>th</sup> day of June 2022 as follows:

1. The Township hereby accepts the recommendations of its professional staff and authorizes the Mayor and Chief of Police to execute the Memorandum of Understanding with Ocean Mental Health Services.
2. The Mayor, Chief of Police, Township Administrator and Township Clerk are authorized to execute any and all documents to implement the intent of this Resolution.
3. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:
  - a. Ocean Mental Health Services;
  - b. Chief Keith Germain, Chief of Police, Barnegat Township;
  - c. Alfonso Cirulli, Mayor;
  - d. Martin Lisella, Township Administrator;
  - e. Thomas Lombarski, Township C.F.O.; and
  - f. Christopher J. Dasti, Esq., Township Attorney

#### **CERTIFICATION**

I, Donna M. Manno, certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

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

\_\_\_\_\_  
Donna M. Manno, RMC  
Municipal Clerk

Prepared by:

**DASTI & ASSOCIATES, P.C.**

**RESOLUTION NO. 2022 –193**

**RESOLUTION OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF BARNEGAT, COUNTY  
OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING RELEASE OF MAINTENANCE  
GUARANTEE FOR THE  
HOLLY OAKS DEVELOPMENT**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (hereinafter the “Township”) is holding a Maintenance Bond for the Holly Oaks development; and

**WHEREAS**, pursuant to Resolution 2014-091, adopted on February 18, 2014, the Township rejected the requested release of the Maintenance Guarantee by the developer until noted punch list items were completed; and

**WHEREAS**, the Township Engineers performed a site inspection of the development and determined that all the outstanding punch list items have been completed and are acceptable; and

**WHEREAS**, the Township Engineer issued a review memorandum dated May 24, 2022, recommending release of the Site Improvement Maintenance Bond; and

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

**NOW, THEREFORE, BE IT RESOLVED** on this 9<sup>th</sup> day of June 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township accepts the recommendation of its professional staff and hereby releases the Site Improvement Maintenance Bond for the Holly Oaks development subject to the payment of any outstanding escrow fees.

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

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

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

- (a) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Tom Lombarski, CFO
- (d) Kurt J. Otto, PE, Township Engineer
- (e) Christine Roessner, Township Finance Office;
- (f) Christopher Dasti, Township Attorney; and
- (g) J. Gordon Milnes, PE, PP, Clayton Companies.

**CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on 9<sup>th</sup> day of June, 2022, a quorum being present and voting in the majority.

\_\_\_\_\_  
Donna M. Manno, RMC  
Municipal Clerk

Prepared by:  
**DASTI & ASSOCIATES**

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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

# DASTI ASSOCIATES

Christopher J. Dasti

Jeffrey D. Cheney

Brian R. Clancy

A Professional Corporation

Attorneys At Law

310 Lacey Road

P.O. Box 779

Forked River, New Jersey 08731

609-549-8990

Fax: 609-549-5043

www.DastiLaw.com

File No.: GL-1361

May 24, 2022

Via Email

Donna M. Manno, Township Clerk

Township of Barnegat

900 West Bay Avenue

Barnegat, NJ 08005

**Re: Resolution re Authorizing Release of Maintenance Guarantee for the Holly Oaks Development**

Dear Donna:

Attached is a proposed Resolution authorizing the release of the Maintenance Guarantee for the Holly Oaks development. This can be placed on the agenda of the next Township Committee Meeting.

If you have any questions or comments, please let me know

Very truly yours,

*s/ Christopher J. Dasti*

CHRISTOPHER J. DASTI

CJD:ll

Enc.

cc: Martin Lisella, Township Administrator-w/enc.-via email  
Tom Lombarski, CFO-w/enc.-via email  
Kurt J. Otto, PE, CME, CFM-w/enc.-via email  
Christine Roessner, Township Finance-w/enc.-via email



# Barnegat Township

## Engineering Office

900 West Bay Avenue, Barnegat, New Jersey 08005

Tel 609.698.0080 ext 148

[www.barnegat.net](http://www.barnegat.net)

---

May 24, 2022

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

Re: Holly Oaks Escrow Account Release Request  
PB93-02  
Township of Barnegat

Dear Ms. Manno,

This office is in receipt of a request from J. Gordon Milnes, PE, PP, of Clayton Companies, wherein he requests release of existing Township escrow account related to the above referenced project. Based upon our file review, it appears the last action by Township Committee was rejection of release of Maintenance Guarantee, per Resolution 2014-091, dated February 18, 2014. No further records have been located.

This office performed a site inspection of the above referenced site in order to determine the extent of improvements and status of punch list items noted in Resolution 2014-091. Based upon our review, it appears all outstanding site work punch list items have been completed and are acceptable. Therefore, we recommend the Township release the Site Improvement Maintenance Bond for Holly Oaks Development, and the necessary resolution be prepared and placed on the next Township Committee Meeting Agenda. Upon Resolution, remaining escrow account may be released.

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

Very Truly Yours

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

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

Cc:

Martin Lisella, Township Administrator, via email ([mlisella@barnegat.net](mailto:mlisella@barnegat.net))  
Tom Lombarski, Township CFO, via email ([TomL@barnegat.net](mailto:TomL@barnegat.net))  
Christine Roessner, Twp Finance, via email ([christinet@barnegat.net](mailto:christinet@barnegat.net))  
Christopher Dasti, Esq., Township Attorney, via email ([cdasti@dastilaw.com](mailto:cdasti@dastilaw.com))

**RESOLUTION NO. 2022 –194**

**RESOLUTION OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF BARNEGAT, COUNTY  
OF OCEAN, STATE OF NEW JERSEY,  
SUPPORTING THE UKRAINIAN PEOPLE**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (hereinafter the “Township”) is appalled by the actions taking place in the Ukraine; and

**WHEREAS**, the Ukrainian people, a Sovereign Nation, have been viciously invaded and attacked by Vladimir Putin and the Russian Army; and

**WHEREAS**, the Russian forces have targeted civilians and have committed war crimes and crimes against humanity; and

**WHEREAS**, the Township of Barnegat stands in solidarity with the Ukrainian people in their time of need and acknowledges the heroic and patriotic actions of the Ukrainian people in defending their homeland, families and their way of life; and

**WHEREAS**, democracy shall always overcome and confront evil in all its forms.

**NOW, THEREFORE, BE IT RESOLVED** on this 9th day of June, 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

The Township stands in solidarity and supports the Country of Ukraine and the Ukrainian people.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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

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

- (a) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Christopher Dasti, Township Attorney

**CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

\_\_\_\_\_  
Donna M. Manno, RMC  
Township Clerk

Prepared by:  
**DASTI & ASSOCIATES**

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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



**RESOLUTION NO. 2022-195**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE HIRING OF JESSE AMIRR AS A  
FULL-TIME PATROLMAN IN THE BARNEGAT  
TOWNSHIP POLICE DEPARTMENT**

**WHEREAS**, the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") has one of the best police departments in the State of New Jersey; and

**WHEREAS**, the men and women who serve in the Barnegat Township Police Department ("Department") are among the best law enforcement officers in the State; and

**WHEREAS**, the Township recently held a hiring process and the Township finds it necessary and appropriate to authorize the hiring of Jesse Amirr as a full-time patrolman within the Police Department; and

**WHEREAS**, the Township accepts the recommendation of the Chief of Police and hereby authorizes the hiring of Jesse Amirr.

**NOW, THEREFORE, BE IT RESOLVED** on this 9<sup>th</sup> day of June, 2022 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township hereby authorizes the hiring of Jesse Amirr as a full-time patrolman, effective June 9, 2022.
2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:
  - (a) Alfonso Cirulli, Mayor
  - (b) Keith German, Chief of Police
  - (c) Jesse Amirr, Patrolman
  - (d) Tom Lombarski, CFO
  - (e) Martin Lisella, Township Administrator

**CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

---

Donna M. Manno, RMC  
Municipal Clerk

## **RESOLUTION 2022-196**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF DIESEL PROJECT MAINTENANCE BOND FOR WAWA INC.**

**WHEREAS**, Wawa, Inc., the developer of Wawa Store No. 8309 has requested their Diesel Project Maintenance bond #106959699 in the amount of \$4611.00 which expired on September 18, 2020 be returned to WaWa Inc., 260 W. Baltimore Pike, WaWa, PA 19063; and

**WHEREAS**, the Township Engineer recommends the release of the Maintenance Bond for diesel project;

**THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the request for the release of the Maintenance Bond for the for Wawa Inc. is hereby approved based on the recommendation of the Township Engineer.

### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their regular meeting held at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey, on the 9<sup>th</sup> day of June, 2022

---

Donna M. Manno, RMC  
Municipal Clerk



October 23, 2020

Barnegat Township  
Attn: Ms. Michele A. Rivers  
900 West Bay Avenue  
Barnegat, NJ 08005

RE: Wawa Store #8309 – add diesel project  
945 West Bay Avenue  
Barnegat, NJ 08005  
Maintenance Bond #106959699

Dear Ms. Rivers:

We are requesting the release of our Maintenance Bond #106959699 in the amount of \$4611.00 that expired on 09/18/2020 and any remaining escrow, if applicable.

Please forward the original bond and check to my attention, referencing Wawa Store #8309 on all correspondence.

Thank you for cooperation in the above. If you have any questions, please feel free to contact me at [joanne.e.kostick@wawa.com](mailto:joanne.e.kostick@wawa.com).

Sincerely,

*Joanne E. Kostick*

Joanne. E. Kostick  
Real Estate Coordinator  
Wawa, Inc.  
260 W. Baltimore Pike  
Wawa, PA 19063  
Cell: (215)-694-6990

**RESOLUTION NO. 2022 - 197**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY IN  
SUPPORT OF SENATE BILL S-1697 AND STATE  
ASSEMBLY BILL A-757 IN SUPPORT OF THE STATE  
ALLOWING CERTAIN VOLUNTEER FIREFIGHTERS,  
RESCUE AND FIRST AID SQUAD MEMBERS TO  
CLAIM \$5,000 INCOME TAX DEDUCITON**

**WHEREAS**, this bill permits volunteer firefighters and first aid or rescue squad members to claim an additional exemption of \$5,000 to be taken as a deduction from their gross income if the meet certain qualifications; and

**WHEREAS**, under the bill, firefighters may claim the \$5,000 deduction if they: 1) volunteered during the entire tax year; 2) performed 60% of fire duty; and 3) had, January 1<sup>st</sup> of the tax year, attained the range of Firefighter I Certified according to approved standards; and

**WHEREAS**, to satisfy the “60% of fire duty” requirement, volunteer firefighters without duty hours must have responded to 60% of the regular alarms and drills in which the department or force participated and volunteer firefighters with duty hours must have at least 400 duty hours during a calendar year of which not more than 50% was for drills; and

**WHEREAS**, First aid or rescue squad members may claim the deduction if they: 1) volunteered during the entire tax year; 2) performed 10% of the rescue duty; and 3) had, by January 1<sup>st</sup> of the tax year, either passed an approved training program or qualified as an emergency medical technician. To satisfy the “10% of rescue duty” requirement, first aid or rescue squad members who volunteer with duty hours must complete at least 400 hours of duty during the year, of which not more than 50% is for

drills. If they volunteer without duty hours, the squad members must attend and render first aid at not less than 10% of the regular alarms and participate in 60% of the drills; and

**WHEREAS**, this bill defines duty hours as those during which volunteers committed themselves to respond to alarms. The bill requires eligible volunteers to submit proof with their tax claim that they are entitled to the deduction. The Director of the Division of Taxation is responsible for establishing the manner of this proof.

**WHEREAS**, an official of each fire department or force is responsible for providing a list of firefighters who are eligible for the deduction for the previous tax year to the Department of Community Affairs by March 31<sup>st</sup>. Similarly, an official of the rescue or first aid squad is responsible for providing a list of squad members who are eligible for the deduction for the previous tax year to the Department of Health and Senior Services by March 31<sup>st</sup>. The lists are to be made available to the Director of the Division of Taxation for verification purposes; and

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

1. Senate Bill S-1697 sponsored by Senator Christopher J. Connors and Senator Kristin M. Corrado with co-sponsorship by Senator James W. Holzapfel and Senator Edward Durr and State Assembly Bill A-757 sponsored by Assemblywoman Dianne C. Gove, Assemblyman Brian E. Rumpf and Assemblyman Sean T. Kean with co-sponsorship by Assemblywoman Dunn, Assemblymen Catalano and McGuckin is supported by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey.

2. Copies of this resolution be distributed to the Governor and Lieutenant Governor, the New Jersey State Legislature 3<sup>rd</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 12<sup>th</sup>, 25<sup>th</sup>, 30<sup>th</sup> and 40<sup>th</sup> District Legislators, Ocean County Commissioners, all other Boards of Commissioners in the State of New Jersey League of Municipalities, Mayor and Council of Ocean County towns.

That a certified copy of said Resolution be forwarded to the follow:

1. Barnegat Volunteer Fire Company
2. Barnegat Volunteer First Aid

#### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee of said Township at their Reorganization meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat on June 9, 2022.

---

Donna M. Manno, RMC  
Municipal Clerk

**RESOLUTION NO. 2022-198**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN  
AND STATE OF NEW JERSEY AUTHORIZING  
REDUCTION OF THE PERFORMANCE GUARANTEE  
FOR SITE IMPROVEMENTS FOR  
SEA CREST PINES—SECTION 4**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received a request from Walters Development Company, the developer of Sea Crest Pines Section 4 for reduction of Performance Guarantees for site improvements; and

**WHEREAS**, the Township Consulting Engineer CME Associates authored a review memorandum dated May 3, 2022 recommending release of the Performance Guarantee for site improvements as follows:

	<b><u>Original Amounts</u></b>	<b><u>New Amounts by this Reduction</u></b>
Performance Guarantee:	\$1,948,020.00	\$ 584,406.00
Surety Bond or Letter of Credit:	\$1,753,218.00	\$ 525,965.40
Cash Guarantee:	\$ 194,802.00	\$ 58,440.60

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

**NOW THEREFORE BE IT RESOLVED** this 9<sup>th</sup> day of June, 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township hereby authorizes the reduction of the Performance Guarantee for site improvements for Sea Crest Pines Section 4 as follows:

	<b><u>Original Amounts</u></b>	<b><u>New Amounts by this Reduction</u></b>
Performance Guarantee:	\$1,948,020.00	\$ 584,406.00
Surety Bond or Letter of Credit:	\$1,753,218.00	\$ 525,965.40
Cash Guarantee:	\$ 194,802.00	\$ 58,440.60

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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

2. A certified copy of this Resolution shall be forwarded by the Township

Clerk to the following:

- (a) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Tom Lombarski, CFO
- (d) Kurt Otto, PE, Township Engineer
- (e) David Barry, PE, CME Associates
- (f) Christine Roessner, Finance Office
- (g) Christopher J. Dasti, Esq., Township Attorney
- (h) Walters Development Company

### **CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

---

Donna M. Manno, RMC  
Municipal Clerk

Prepared by:

---

**DASTI & ASSOCIATES, P.C.**

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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





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

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

May 3, 2022

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

**Re: Request for Reduction of Performance Guarantee  
Site Improvements  
Seacrest Pines – Section 4  
Our File: VBGP0087.04**

Dear Mrs. Manno:

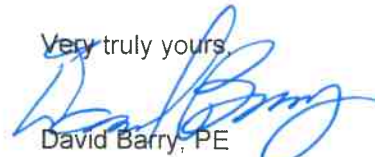
In accordance with your request, our office has performed a site inspection of the above-referenced project relative to the developer's request for a reduction of the performance guarantee for the required site improvements. Please be advised that there has been substantial completion of the required site improvements at this site as shown on the attached spread sheet. Therefore, our office has no objection to the performance guarantee being reduced to thirty percent (30%) of the original amounts as set forth below.

	<u>Original Amounts</u>	<u>New Amounts by this Reduction</u>
Performance Guarantee:	\$ 1,948,020.00	\$ 584,406.00
Surety Bond or Letter of Credit:	\$ 1,753,218.00	\$ 525,965.40
Cash Guarantee:	\$ 194,802.00	\$ 58,440.60

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

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,

  
David Barry, PE  
Office of Township Engineer

DMB/drl/ts  
Enclosure  
cc:

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

**RESOLUTION NO. 2022-199**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN  
AND STATE OF NEW JERSEY AUTHORIZING  
REDUCTION OF THE PERFORMANCE GUARANTEE  
FOR WATER IMPROVEMENTS FOR  
SEA CREST PINES—SECTION 4**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received a request from Walters Development Company, the developer of Sea Crest Pines Section 4 for reduction of Performance Guarantees for water improvements; and

**WHEREAS**, the Township Consulting Engineer CME Associates authored a review memorandum dated May 3, 2022 recommending release of the Performance Guarantee for water improvements as follows:

	<b><u>Original Amounts</u></b>	<b><u>New Amounts by this Reduction</u></b>
Performance Guarantee:	\$ 242,700.00	\$ 72,810.00
Surety Bond or Letter of Credit:	\$ 218,430.00	\$ 65,529.00
Cash Guarantee:	\$ 24,270.00	\$ 7,281.00

**WHEREAS**, the Township accepts the recommendation of its professional staff.  
**NOW THEREFORE BE IT RESOLVED** this 9<sup>th</sup> day of June, 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township hereby authorizes the reduction of the Performance Guarantee for water improvements for Sea Crest Pines Section 4 as follows:

	<b><u>Original Amounts</u></b>	<b><u>New Amounts by this Reduction</u></b>
Performance Guarantee:	\$ 242,700.00	\$ 72,810.00
Surety Bond or Letter of Credit:	\$ 218,430.00	\$ 65,529.00
Cash Guarantee:	\$ 24,270.00	\$ 7,281.00

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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

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

- (a) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Tom Lombarski, CFO
- (d) Kurt Otto, PE, Township Engineer
- (e) David Barry, PE, CME Associates
- (f) Christine Roessner, Finance Office
- (g) Christopher J. Dasti, Esq., Township Attorney
- (h) Walters Development Company

**CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

\_\_\_\_\_  
Donna M. Manno, RMC  
Municipal Clerk

Prepared by:

\_\_\_\_\_  
**DASTI & ASSOCIATES, P.C.**

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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



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

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

May 3, 2022

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

**Re: Request for Reduction of Performance Guarantee  
Water Improvements  
Seacrest Pines – Section 4  
Our File: VBGU0087.07 (63001)**

Dear Mrs. Manno:

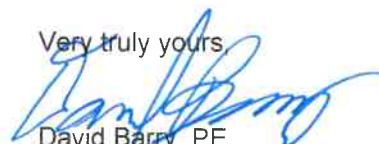
In accordance with your request, our office has performed a site inspection of the above-referenced project relative to the developer's request for a reduction of the performance guarantee for the required water improvements. Please be advised that there has been substantial completion of the required water improvements at this site as shown on the attached spread sheet. Therefore, our office has no objection to the performance guarantee being reduced to thirty percent (30%) of the original amounts as set forth below.

	<u>Original Amounts</u>	<u>New Amounts by this Reduction</u>
Performance Guarantee:	\$ 242,700.00	\$ 72,810.00
Surety Bond or Letter of Credit:	\$ 218,430.00	\$ 65,529.00
Cash Guarantee:	\$ 24,270.00	\$ 7,281.00

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

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,

  
David Barry, PE  
Office of Township Engineer

DMB/drl/ts  
Enclosure  
cc:

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

**RESOLUTION NO. 2022-200**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN  
AND STATE OF NEW JERSEY AUTHORIZING  
REDUCTION OF THE PERFORMANCE GUARANTEE  
FOR SEWER IMPROVEMENTS FOR  
SEA CREST PINES—SECTION 4**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received a request from Walters Development Company, the developer of Sea Crest Pines Section 4 for reduction of Performance Guarantees for sewer improvements; and

**WHEREAS**, the Township Consulting Engineer CME Associates authored a review memorandum dated May 3, 2022 recommending release of the Performance Guarantee for sewer improvements as follows:

	<b><u>Original Amounts</u></b>	<b><u>New Amounts by this Reduction</u></b>
Performance Guarantee:	\$295,960.00	\$ 88,788.00
Surety Bond or Letter of Credit:	\$266,364.00	\$ 79,909.20
Cash Guarantee:	\$ 29,596.00	\$ 8,878.80

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

**NOW THEREFORE BE IT RESOLVED** this 9<sup>th</sup> day of June, 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township hereby authorizes the reduction of the Performance Guarantee for sewer improvements for Sea Crest Pines Section 4 as follows:

	<b><u>Original Amounts</u></b>	<b><u>New Amounts by this Reduction</u></b>
Performance Guarantee:	\$295,960.00	\$ 88,788.00
Surety Bond or Letter of Credit:	\$266,364.00	\$ 79,909.20
Cash Guarantee:	\$ 29,596.00	\$ 8,878.80

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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

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

- (a) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Tom Lombarski, CFO
- (d) Kurt Otto, PE, Township Engineer
- (e) David Barry, PE, CME Associates
- (f) Christine Roessner, Finance Office
- (g) Christopher J. Dasti, Esq., Township Attorney
- (h) Walters Development Company

**CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

\_\_\_\_\_  
Donna M. Manno, RMC  
Municipal Clerk

Prepared by:

\_\_\_\_\_  
**DASTI & ASSOCIATES, P.C.**

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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



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

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

May 3, 2022

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

**Re: Request for Reduction of Performance Guarantee  
Sewer Improvements  
Seacrest Pines – Section 4  
Our File: VBGU0087.07 (63002)**

Dear Mrs. Manno:

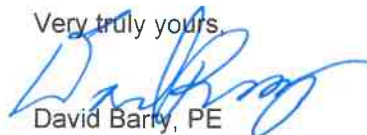
In accordance with your request, our office has performed a site inspection of the above-referenced project relative to the developer's request for a reduction of the performance guarantee for the required sewer improvements. Please be advised that there has been substantial completion of the required sewer improvements at this site as shown on the attached spread sheet. Therefore, our office has no objection to the performance guarantee being reduced to thirty percent (30%) of the original amounts as set forth below.

	<u>Original Amounts</u>	<u>New Amounts by this Reduction</u>
Performance Guarantee:	\$ 295,960.00	\$ 88,788.00
Surety Bond or Letter of Credit:	\$ 266,364.00	\$ 79,909.20
Cash Guarantee:	\$ 29,596.00	\$ 8,878.80

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

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,

  
David Barry, PE  
Office of Township Engineer

DMB/drl/ts  
Enclosure

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

**RESOLUTION NO. 2022-201**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN  
AND STATE OF NEW JERSEY DENYING REQUESTED  
RELEASE FOR MAINTENANCE BOND FOR SEA  
CREST PINES PHASE 1**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") has received a request from the Developer D.R. Horton, Inc., for a release of the Maintenance Guarantee for Sea Crest Pines, Phase 1; and

**WHEREAS**, the date of the bond is November 6, 2016; and

**WHEREAS**, the Township's Consulting Engineer CME Associates has inspected the site improvements and has found that several items of landscaping remain outstanding as well as the storm water retention basin. CME Associates issued a review memorandum dated May 18, 2022, a copy of which is attached hereto and made a part hereof, recommending denial of their request to release the Maintenance Guarantee until such time as the Developer, D.R. Horton, Inc., completes all of the required site improvements to the satisfaction of the Township Engineer as well as addressing all the items set forth in the May 18, 2022 review memorandum; and

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

**NOW THEREFORE BE IT RESOLVED** this 9<sup>th</sup> day of June 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

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



1. The Township accepts the recommendation of its professional staff and hereby denies the request to release the Site Maintenance Guarantee for Sea Crest Pines, Phase 1 by Developer D.R. Horton, Inc.

2. D.R. Horton, Inc., shall complete all of the site improvements subject to the inspection and approval of the Township's professional staff at which time the Developer can request release of the guarantee at that time.

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

- (a) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Kurt Otto, PE, Township Engineer
- (e) David Barry, PE, CME Associates
- (f) Tom Lombarski, CFO
- (g) Christine Roessner, Finance Office
- (h) Christopher J. Dasti, Esq., Township Attorney
- (i) D.R. Horton, Inc., Applicant

### **CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

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

---

Donna M. Manno, 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

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

May 18, 2022

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

**Re: Request for Full Release of Site Maintenance Guarantee  
Seacrest Pines, Phase 1**  
**Applicant: D.R. Horton, Inc.**  
**2040 Briggs Rd, Suite A**  
**Mount Laurel, NJ 08054**  
**Barnegat Township, Ocean County, New Jersey**  
**Our File: VBGP0087.02 (63001)**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection of the above referenced project relative to the request from the Applicant, D.R. Horton, Inc, regarding site improvements at Seacrest Pines, that the site maintenance guarantee be fully released. We note the date of said bond is listed as November 7, 2016.

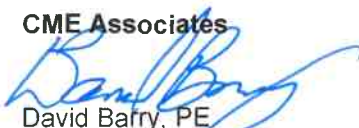
Upon review of our files, and inspection of the site, it is clear that not all improvements for Phase 1 have been completed to our satisfaction. Further, the request for release was not accompanied by the required documentation. Section 55-123.f.(1) requires bond release requests to be preceded or accompanied by complete as built drawings indicating location, profile, size of all stormwater, sanitary, and all other utilities including service connections. To note, several items of landscaping remain outstanding (per November 22, 2019 letter from Taylor Design Group, attached), and further, the stormwater detention basin in the rear of the development is not functioning to its design requirements. Our office shall be releasing a punch list of work to be addressed as well.

Our offices do not recommend the full release of this bond at this time. This bond should not be released until all improvements are completely installed in a fully satisfactory fashion, as approved by the Township Engineer's office and the Township Landscape Architect's office.

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

Very truly yours,

**CME Associates**

  
David Barry, PE  
Special Projects Engineer

DB/drl/map

cc: Marty Lisella, Administrator  
Thomas Lombarski, CFO  
Christine Roessner, Township Finance Officer  
Christopher Dasti, Esq., Township Attorney  
Kurt Otto, Township Engineer  
D.R. Horton, Applicant



CONSULTING AND MUNICIPAL ENGINEERS

849 W. Bay Avenue, Suite 7, Barnegat, NJ 08005  
TEL: (732) 410-2650 FAX: (609) 698-1680

**SEA CREST PINES**  
**Barnegat Township, New Jersey**

**Punch List**

**Date: May 17, 2022**

**Our File: VBGP0087.02**

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**STORM DRAINAGE:**

1. Basin in Rear of Section 1 Not Draining
2. Plantings and Landscaping (See Taylor Design Group Reports)

**RESOLUTION NO. 2022-202**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN  
AND STATE OF NEW JERSEY DENYING REQUESTED  
RELEASE FOR SEWER MAINTENANCE GUARANTEE  
FOR BOND NO. 30100758 FOR  
SEA CREST PINES PHASE 1**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") has received a request from the Developer D.R. Horton, Inc., for a release of the Sewer Maintenance Guarantee, Bond No. 30100758 for Sea Crest Pines, Phase 1; and

**WHEREAS**, the date of the bond is June 16, 2020; and

**WHEREAS**, the Township's Consulting Engineer CME Associates has inspected the site improvements and has found that the Developer has failed to provide complete as built drawings indicating the location, profile, size of all stormwater, sanitary and all other utilities including service connections. CME Associates issued a review memorandum dated May 18, 2022, a copy of which is attached hereto and made a part hereof, recommending denial of their request to release the Sewer Maintenance Guarantee, Bond No. 30100758 until such time as the Developer, D.R. Horton, Inc., completes all of the required site improvements to the satisfaction of the Township Engineer as well as addressing all the items set forth in the May 18, 2022 review memorandum; and

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

**NOW THEREFORE BE IT RESOLVED** this 9<sup>th</sup> day of June 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

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

1. The Township accepts the recommendation of its professional staff and hereby denies the request to release the Sewer Maintenance Guarantee, Bond No. 30100758 for Sea Crest Pines, Phase 1 by Developer D.R. Horton, Inc.

2. D.R. Horton, Inc., shall complete all of the site improvements subject to the inspection and approval of the Township's professional staff at which time the Developer can request release of the guarantee at that time.

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

- (a) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Kurt Otto, PE, Township Engineer
- (e) David Barry, PE, CME Associates
- (f) Tom Lombarski, CFO
- (g) Christine Roessner, Finance Office
- (h) Christopher J. Dasti, Esq., Township Attorney
- (i) D.R. Horton, Inc., Applicant

#### **CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

---

Donna M. Manno, RMC  
Municipal Clerk

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

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



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

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

May 18, 2022

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

**Re: Request for Full Release of Sewer Maintenance Guarantee, Bond #30100758  
Seacrest Pines, Phase 1**  
**Applicant: D.R. Horton, Inc.**  
**2040 Briggs Rd, Suite A**  
**Mount Laurel, NJ 08054**  
**Barnegat Township, Ocean County, New Jersey**  
**Our File: VBGU0087.03 (63002)**

Dear Mrs. Manno:

In accordance with your request, our office has performed a site inspection of the above referenced project relative to the request from the Applicant, D.R. Horton, Inc, regarding site improvements at Seacrest Pines, that the sewer maintenance guarantee be fully released. We note the date of said bond is listed as June 16, 2020.

Upon review of our files, and inspection of the site, it is clear that not all improvements for Phase 1 have been completed to our satisfaction. Further, the request for release was not accompanied by the required documentation. Section 55-123.f.(1) requires bond release requests to be preceded or accompanied by complete as built drawings indicating location, profile, size of all stormwater, sanitary, and all other utilities including service connections. Our office shall be releasing a punch list of work to be addressed as well.

Our offices do not recommend the full release of this bond at this time. This bond should not be released until all improvements are completely installed in a fully satisfactory fashion, as approved by the Township Engineer's office.

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

Very truly yours,

**CME Associates**



David Barry, PE  
Special Projects Engineer

DB/drl/map

cc: Marty Lisella, Administrator  
Thomas Lombarski, CFO  
Christine Roessner, Township Finance Officer  
Christopher Dasti, Esq., Township Attorney  
Kurt Otto, Township Engineer  
D.R. Horton, Applicant



CONSULTING AND MUNICIPAL ENGINEERS

849 W. Bay Avenue, Suite 7, Barnegat, NJ 08005  
TEL: (732) 410-2650 FAX: (609) 698-1680

**SEA CREST PINES**  
**Barnegat Township, New Jersey**

**Punch List**

**Date: May 17, 2022**

**Our File: VBGU0087.03**

---

**SANITARY SEWER:**

1. Pump Station – Electrical Defects, Surge Protection, Float Balls
2. Pump Station – Grit Present
3. Yard Hydrant
4. Generator Issue
5. Force Main Transition & Corrosion Issues @ Outfall

## RESOLUTION 2022-203

### RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING PROGRESS PAYMENT #15 TO FRANKOSKI CONSTRUCTION CO. FOR THE NEW MUNICIPAL BUILDING

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

**WHEREAS**, Frankoski Construction Co., has submitted a request for Payment #15 in the amount of \$460,728.83; and

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

**THEREFORE, BE IT RESOLVED**, by the Township Committee of The Township of Barnegat, County of Ocean, State of New Jersey that Payment #15 in the amount of \$460,728.83 is hereby approved, the Chief Financial Officer is hereby authorized to issue a check to Frankoski Construction Co., 314 Dodd Street, East Orange, NJ in the amount of \$460,728.83 representing Payment #15 for work completed on the New Municipal Building

Original Contract Sum:	\$ 12,964,000.00
Net Change by Change Orders:	<u>\$ 466,101.00</u>
Contract Sum to date:	\$ 13,430,101.00
 Total completed & stored to date:	 \$ 7,336,715.16
Less Retainage of 2%:	\$ 146,734.30
Total earned less retainage:	\$ 7,189,980.86
Less previous payments:	\$ 6,729,252.03
Current Payment Due:	<u>\$ 460,728.83</u>
Balance to Finish including Retainage:	\$ 6,240,120.14

### CERTIFICATION

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat New Jersey on June 9, 2022.

---

Donna M. Manno, RMC  
Municipal Clerk



**THE GOLDSTEIN PARTNERSHIP**  
**TRANSMITTAL**

CORPORATE, INSTITUTIONAL & GOVERNMENTAL CONSULTANTS  
515 VALLEY STREET, SUITE 110, MAPLEWOOD, NJ 07040 (973) 761-4550 FAX: (973) 761-4588 GOLDSTEIN-ARCHITECTS.COM

FOUNDED IN 1953  
ARCHITECTS  
ENGINEERS  
PLANNERS

Project **BMPC**

To: ✓ Tom Lombarski, CFO  
TOWNSHIP OF BARNEGAT  
900 West Bay Avenue  
Barnegat, NJ 08005

Date: **5/26/22**

Trans: **26**

Copies: Greg Frankoski

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

Via:	Fax	Media:	Prints	Contents	Correspondence
	Mail		x Letters		x Requisitions
	Fedex		Photos		Field Memos
	x UPS		Articles		Shop Drawings
	Messenger		Models		Submittals
	Pick-up		Samples		Drawings


Items:	Qty	Description:	Date:
	2	App. #15, cert. for \$460,728.83	05/26/22

Please: x Retain  
Return  
Review & Return  
Note our comments  
Correct as noted  
Call to Discuss

Comments:

Notes:

By:

  
Eli Goldstein AIA



# TOWNSHIP OF BARNEGAT

900 WEST BAY AVENUE  
BARNEGAT, NEW JERSEY 08005  
FINANCE DEPT. TEL (609) 698-0080 EXT. 162 or 164

Pg 1

SHIP TO

BARNEGAT TOWNSHIP  
FINANCE OFFICE  
900 WEST BAY AVENUE  
BARNEGAT, NJ 08005

VENDOR

VENDOR #: 00828

FRANKOSKI CONSTRUCTION CO.  
314 DODD ST.  
EAST ORANGE, NJ 07017

## PURCHASE ORDER

THIS NUMBER MUST APPEAR ON ALL INVOICES,  
PACKING LISTS, CORRESPONDENCE, ETC.

No. 20-02195

ORDER DATE: 10/07/20  
REQUISITION NO: R2000914  
DELIVERY DATE:  
STATE CONTRACT:  
F.O.B. TERMS:

N.J. SALES TAX I.D.# 21-6001267  
Exempt from Sales Tax by  
State Statute 54:32B-9A1

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	MUNICIPAL BLDG PROJECT	C-04-55-963-904	12,964,000.0000	12,964,000.00
			TOTAL	12,964,000.00

DO NOT ACCEPT THIS ORDER  
UNLESS SIGNED BELOW

I hereby certify the funds are  
available and encumbered.

FINANCE OFFICER

DATE

### VENDOR CERTIFICATION

I do solemnly declare and certify under the penalties of the law that the  
within bill is correct in all its particulars; that the articles have been furnished  
or services rendered as stated therein; that no bonus has been given or  
received by any person or persons within the knowledge of this claimant in  
connection with the above claim; that the amount therein stated is justly due  
and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

OFFICIAL POSITION

DATE

PLEASE READ VENDOR INSTRUCTIONS ON REVERSE SIDE

### RECEIVER'S CERTIFICATE

Signature

Title

VOUCHER COPY - PLEASE SIGN AT X AND RETURN WITH INVOICE FOR PAYMENT TO THE SHIP TO DEPT.

## APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

<b>TO OWNER:</b>	Township of Barneget 900 West Bay Avenue Barneget, NJ 08005	<b>PROJECT:</b>	BMPC New Municipal Building 900 West Bay Avenue Barneget, NJ 08005	<b>APPLICATION NO:</b>	15	<b>Distribution to:</b>	OWNER: <input checked="" type="checkbox"/>
<b>FROM CONTRACTOR:</b>	Frankoski Construction Co. 314 Dodd Street East Orange, NJ 07017	<b>VIA ARCHITECT:</b>	The Goldstein Partnership 515 valley Street, Suite 110 Maplewood, NJ 07040	<b>PERIOD TO:</b>	May 15 2022	ARCHITECT: <input checked="" type="checkbox"/>	
				<b>CONTRACT DATE:</b>	October 6, 2020	CONTRACTOR: <input checked="" type="checkbox"/>	
				<b>PROJECT NOS:</b>	BMPC	FIELD: <input checked="" type="checkbox"/>	
						OTHER: <input type="checkbox"/>	

## CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. ORIGINAL CONTRACT SUM	\$12,964,000.00
2. NET CHANGE BY CHANGE ORDERS	\$466,101.00
3. CONTRACT SUM TO DATE (Line 1 + 2)	\$13,430,101.00
4. TOTAL COMPLETED AND STORED TO DATE (Column G on G703)	\$7,336,715.16
5. RETAINAGE:	
a. 2 % of Completed Work	
(Column D + E on G703)	\$145,936.30
b. 2 % of Stored Material	\$798.00
(Column F on G703)	
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$146,734.30

6. TOTAL EARNED LESS RETAINAGE	\$7,189,980.86
(Line 4 minus Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$6,729,252.03
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE	\$460,728.83
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$6,240,120.14
(Line 3 minus Line 6)	

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$519,334.90	(\$53,233.90)
Total approved this month		
TOTAL	\$519,334.90	(\$53,233.90)
NET CHANGES by Change Order		\$466,101.00

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

<b>CONTRACTOR:</b>	<i>[Signature]</i>	<b>Date:</b>	5/26/22
<b>By:</b>	<i>[Signature]</i>		
State of:	New Jersey		
County of:	Hudson		
Subscribed and sworn to before me this	26th	day of	May, 2022
Notary Public:			
My Commission expires:	3/1/23		

## ARCHITECT'S CERTIFICATE FOR PAYMENT

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

<b>AMOUNT CERTIFIED</b>	\$460,728.83
(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm with the amount certified.)	

<b>ARCHITECT:</b>	<i>[Signature]</i>	<b>Date:</b>	05/26/22
<b>By:</b>	<i>[Signature]</i>		

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

# CONTINUATION SHEET

AIA DOCUMENT G703

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APPLICATION NO:

15

APPLICATION DATE:

May 17 2022

PERIOD TO:

May 15 2022

ARCHITECT'S PROJECT NO:

BMP-C

A	B	C	D	E	F	G	H	I	
ITEM NO	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G÷C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
DIVISION 1 - GENERAL CONDITIONS									
1	GC Management	\$440,100.00	225,200.00	15,500.00		240,700.00	54.7%	\$199,400.00	\$4,814.00
2	Insurance	\$86,525.00	70,000.00			70,000.00	80.9%	\$16,525.00	\$1,400.00
3	Bond Fee	\$138,710.00	138,710.00			138,710.00	100.0%		\$2,774.20
4	Mobilization	\$40,000.00	40,000.00			40,000.00	100.0%		\$800.00
5	Demobilization	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
6	Miscellaneous Trade Cost and Site Logistics	\$175,600.00	89,950.00	6,100.00		96,050.00	54.7%	\$79,550.00	\$1,921.00
7	General Labor and Cleanup	\$99,962.00	51,200.00	3,500.00		54,700.00	54.7%	\$45,262.00	\$1,094.00
8	Temp Fence, Dump, Rentals, Trailers, Portaloah	\$81,780.00	41,850.00	2,900.00		44,750.00	54.7%	\$37,030.00	\$895.00
9	Winter Protection	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
10	Procure	\$9,000.00	4,605.00	320.00		4,925.00	54.7%	\$4,075.00	\$98.50
11	Testing	\$12,000.00	11,000.00			11,000.00	91.7%	\$1,000.00	\$220.00
12	GC Overhead and Profit	\$214,350.00	109,650.00	7,500.00		117,150.00	54.7%	\$97,200.00	\$2,343.00
13	Asbestos Abatement	\$37,590.00	0.00			0.00		\$37,590.00	\$0.00
14	Subgrade R/R 1200 CY Allowance	\$84,000.00	59,003.00			59,003.00	70.2%	\$24,997.00	\$1,180.06
15	CM Allowance	\$220,000.00	150,000.00	10,000.00		160,000.00	72.7%	\$60,000.00	\$3,200.00
DIVISION 2 - SITEWORK									
16	Sitework General Conditions	\$19,100.00	14,325.00			14,325.00	75.0%	\$4,775.00	\$286.50
17	Sitework Mobilization	\$24,000.00	3,200.00			3,200.00	13.3%	\$20,800.00	\$64.00
18	Sitework Layout	\$21,000.00	13,800.00			13,800.00	65.7%	\$7,200.00	\$276.00
19	Soil Erosion and Sediment Controls	\$17,700.00	11,500.00			11,500.00	65.0%	\$6,200.00	\$230.00
20	Clear Site/Demolition	\$101,000.00	33,330.00			33,330.00	33.0%	\$67,670.00	\$666.60
21	Excavation and Grading	\$188,250.00	94,125.00			94,125.00	50.0%	\$94,125.00	\$1,882.50
22	Sanitary Sewer System	\$13,000.00	11,700.00			11,700.00	90.0%	\$1,300.00	\$234.00
23	Storm Drainage System / Under Drain System	\$293,000.00	234,450.00			234,450.00	80.0%	\$58,550.00	\$4,689.00
24	Water Services	\$27,500.00	27,500.00			27,500.00	100.0%		\$550.00
25	Concrete Cuts	\$171,000.00	17,100.00			17,100.00	10.0%	\$153,900.00	\$342.00
26	Walks	\$67,000.00	0.00			0.00		\$67,000.00	\$0.00
27	Pavers	\$49,000.00	0.00			0.00		\$49,000.00	\$0.00
28	Site Lighting Conduit (Excavation Only)	\$20,000.00	9,000.00			9,000.00	45.0%	\$11,000.00	\$180.00
29	Site Lighting Foundations	\$27,000.00	0.00			0.00		\$27,000.00	\$0.00
30	Basement Excavation and Backfill	\$103,000.00	103,000.00			103,000.00	100.0%		\$2,060.00
31	Irrigation System	\$32,000.00	0.00			0.00		\$32,000.00	\$0.00
32	DGABC Subbase	\$127,000.00	38,100.00			38,100.00	30.0%	\$88,900.00	\$762.00
33	Bituminous Base Course	\$207,000.00	62,100.00			62,100.00	30.0%	\$144,900.00	\$1,242.00
34	Permenant Fencing	\$51,000.00	0.00			0.00		\$51,000.00	\$0.00
35	Topsoiling	\$14,000.00	0.00			0.00		\$14,000.00	\$0.00
36	Fert & Seed	\$3,700.00	0.00			0.00		\$3,700.00	\$0.00
37	Landscape Plants	\$32,000.00	0.00			0.00		\$32,000.00	\$0.00
38	Traffic Control	\$6,800.00	3,400.00			3,400.00	50.0%	\$3,400.00	\$68.00
39	Demolition of Building	\$80,000.00	0.00			0.00		\$80,000.00	\$0.00
40	Bituminous Surface Course	\$160,000.00	0.00			0.00		\$160,000.00	\$0.00

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May 17 2022

May 15 2022

BMPC

A	B	C	D	E	F	G		H	I
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			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
41	Roadway/Parking Striping	\$7,000.00	0.00			0.00		\$7,000.00	\$0.00
42	Temporary Paving	\$4,150.00	0.00			0.00		\$4,150.00	\$0.00
43	Traffic Signage	\$1,800.00	0.00			0.00		\$1,800.00	\$0.00
44	Benches and Trash Receptacles	\$42,000.00	0.00			0.00		\$42,000.00	\$0.00
45	Retaining Walls	\$9,000.00	0.00			0.00		\$9,000.00	\$0.00
46	Curved Retaining Walls	\$9,000.00	0.00			0.00		\$9,000.00	\$0.00
47	Sitework Closeout	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
48	Survey & Layout	\$11,100.00	7,500.00			7,500.00	67.6%	\$3,600.00	\$150.00
DIVISION 3 - CONCRETE									
49	Concrete Submittals	\$7,500.00	7,500.00			7,500.00	100.0%		\$150.00
50	Mobilization	\$12,500.00	12,500.00			12,500.00	100.0%		\$250.00
51	Excavation for Footings	\$25,415.00	25,415.00			25,415.00	100.0%		\$508.30
52	Backfill	\$14,120.00	14,120.00			14,120.00	100.0%		\$282.40
53	Footings- Strip and Spread-Basement/Rebar	\$69,212.00	69,212.00			69,212.00	100.0%		\$1,384.24
54	Foundation Walls-Basement	\$66,957.00	66,957.00			66,957.00	100.0%		\$1,339.14
55	Footings-Strip and Spread-North Side	\$51,505.00	51,505.00			51,505.00	100.0%		\$1,030.10
56	Foundation Walls-North Side	\$26,980.00	26,980.00			26,980.00	100.0%		\$539.60
57	Footings-Strip and Spread-South Side	\$48,402.00	48,402.00			48,402.00	100.0%		\$968.04
58	Foundation Walls-South Side	\$25,633.00	25,633.00			25,633.00	100.0%		\$512.66
59	Footings-Strip-Entrance Sign	\$30,289.00	0.00			0.00		\$30,289.00	\$0.00
60	Foundation Walls-Entrance Sign	\$28,632.00	0.00			0.00		\$28,632.00	\$0.00
61	Elevator Pit Mat and Walls	\$4,226.00	4,226.00			4,226.00	100.0%		\$84.52
62	Piers-Basement CL D	\$18,889.00	18,889.00			18,889.00	100.0%		\$377.78
63	Piers-Basement-North Wall	\$16,059.00	16,059.00			16,059.00	100.0%		\$321.18
64	Piers-South Side CL E	\$15,270.00	15,270.00			15,270.00	100.0%		\$305.40
65	Piers-North Side Column R-2 through R-5	\$14,831.00	14,831.00			14,831.00	100.0%		\$296.62
66	Piers-North Side- CLA	\$15,753.00	15,753.00			15,753.00	100.0%		\$315.06
67	Piers-North Side-CLB	\$15,753.00	15,753.00			15,753.00	100.0%		\$315.06
68	Slab on Grade Basement	\$61,242.00	59,379.00	1,863.00		61,242.00	100.0%	\$1,685.00	\$1,224.84
69	Concrete Ceiling at Cell Blocks	\$6,740.00	5,055.00			5,055.00	75.0%	\$1,685.00	\$101.10
70	Concrete Walls at Cell Blocks	\$22,300.00	22,300.00			22,300.00	100.0%		\$446.00
71	1st floor slab on grade and deck	\$128,258.00	121,845.10	3,812.90		128,258.00	98.0%	\$2,600.00	\$2,513.16
72	2nd floor slab on deck	\$98,026.00	96,075.00			96,075.00	98.0%	\$1,951.00	\$1,921.50
73	Set base plates	\$4,435.00	4,435.00			4,435.00	100.0%		\$88.70
74	Metal Stair Pan Fill	\$2,473.00	2,473.00			2,473.00	100.0%		\$49.46
75	Demobilization	\$12,500.00	0.00			0.00		\$12,500.00	\$0.00
76	Punch List	\$17,400.00	0.00			0.00		\$17,400.00	\$0.00
77	Closeout	\$8,700.00	0.00			0.00		\$8,700.00	\$0.00
DIVISION 4 - MASONRY									
78	Submittals/Shops	\$3,500.00	2,625.00			2,625.00	75.0%	\$875.00	\$52.50
79	Mobilization	\$2,500.00	2,500.00			2,500.00	100.0%		\$50.00
80	8 inch and 4 inch exterior backup block material	\$7,000.00	6,600.00			6,600.00	94.3%	\$400.00	\$132.00



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81	8 inch and 4 inch exterior backup block labor	\$35,000.00	24,500.00			24,500.00	70.0%	\$10,500.00	\$490.00
82	8 inch interior block partition material	\$13,000.00	11,700.00			11,700.00	90.0%	\$1,300.00	\$234.00
83	8 inch interior block partition labor	\$65,000.00	55,250.00			55,250.00	85.0%	\$9,750.00	\$1,105.00
84	Masonry veneer material	\$63,000.00	56,100.00			56,100.00	89.0%	\$6,900.00	\$1,122.00
85	Masonry veneer labor / mock up	\$118,000.00	0.00		1,180.00	1,180.00	1.0%	\$116,820.00	\$23.60
86	Grout and rebar material and labor	\$24,000.00	20,400.00			20,400.00	85.0%	\$3,600.00	\$408.00
87	Cast stone material	\$37,000.00	0.00			0.00	\$0.0%	\$37,000.00	\$0.00
88	Cast stone labor	\$30,000.00	0.00			0.00	40.0%	\$30,000.00	\$0.00
89	2 inch rigid insulation material and labor	\$18,000.00	7,200.00			7,200.00	20.0%	\$10,800.00	\$144.00
90	Scaffold labor and material	\$16,000.00	3,200.00			3,200.00	\$0.0%	\$12,800.00	\$64.00
91	Flashing weeps control joints reinforcing wire	\$8,500.00	0.00			0.00	31.0%	\$8,500.00	\$0.00
92	Machine equipment fuel	\$12,000.00	3,600.00	120.00		3,720.00	35.0%	\$8,280.00	\$74.40
93	Daily cleanup labor	\$8,000.00	2,400.00	400.00		2,800.00	\$0.0%	\$5,200.00	\$56.00
94	Washdown of new masonry	\$22,000.00	0.00			0.00	\$0.0%	\$22,000.00	\$0.00
95	Dumpster enclosure foundation labor and material	\$2,500.00	0.00			0.00	\$0.0%	\$2,500.00	\$0.00
96	Dumpster enclosure split face labor and material	\$8,000.00	0.00			0.00	\$0.0%	\$8,000.00	\$0.00
97	Grout and rebar at dumpster enclosure labor and material	\$2,000.00	0.00			0.00	\$0.0%	\$2,000.00	\$0.00
DIVISION 5 - STRUCTURAL & MISC. METALS									
98	Shop Drawings/Engineering	\$39,000.00	37,050.00			37,050.00	95.0%	\$1,950.00	\$741.00
99	Anchor Bolts	\$6,400.00	6,400.00			6,400.00	100.0%	\$0.00	\$128.00
100	Material/Fabrication	\$460,340.00	460,340.00			460,340.00	100.0%	\$0.00	\$9,206.80
101	Metal Floor Deck Material	\$40,000.00	40,000.00			40,000.00	100.0%	\$0.00	\$800.00
102	Metal Roof Deck Material	\$32,000.00	32,000.00			32,000.00	100.0%	\$0.00	\$640.00
103	Erection	\$320,000.00	304,000.00			304,000.00	95.0%	\$16,000.00	\$6,080.00
104	Steel Stairs	\$69,035.00	62,250.00	6,785.00		69,035.00	100.0%	\$0.00	\$1,380.70
105	Steel Railings	\$23,000.00	18,400.00			18,400.00	80.0%	\$4,600.00	\$0.00
106	Attrium Railings and Infill Panels	\$49,650.00	0.00			0.00	100.0%	\$49,650.00	\$0.00
107	Misc. Steel and Accessories	\$15,000.00	0.00			0.00	100.0%	\$15,000.00	\$0.00
DIVISION 5E - COLD-FORMED METAL FRAMING									
108	Engineering/shop drawings	\$7,000.00	7,000.00			7,000.00	100.0%	\$0.00	\$140.00
109	Layout	\$28,000.00	28,000.00			28,000.00	100.0%	\$0.00	\$560.00
110	Exterior Framing Material	\$88,000.00	88,000.00			88,000.00	100.0%	\$0.00	\$1,760.00
111	Exterior Framing Labor	\$141,500.00	134,425.00	3,500.00		137,925.00	97.5%	\$3,575.00	\$2,758.50
112	Interior Framing Material	\$66,000.00	66,000.00			66,000.00	100.0%	\$0.00	\$1,320.00
113	Interior Framing Labor	\$152,000.00	139,800.00			139,800.00	92.0%	\$12,200.00	\$2,796.00
DIVISION 6A - ROUGH & FINISH CARPENTRY									
114	Submittals	\$3,000.00	3,000.00			3,000.00	100.0%	\$0.00	\$60.00
115	Exterior Sheathing Material	\$16,000.00	16,000.00			16,000.00	100.0%	\$0.00	\$320.00
116	Exterior Sheathing Labor	\$30,000.00	29,400.00			29,400.00	98.0%	\$600.00	\$588.00
117	Rough Carpentry Dimensional Lumber Material	\$37,000.00	37,000.00			37,000.00	100.0%	\$0.00	\$740.00
118	Rough Carpentry Plywood Material	\$24,000.00	24,000.00			24,000.00	100.0%	\$0.00	\$480.00
119	Rough Carpentry Labor	\$111,000.00	105,400.00	2,800.00		108,200.00	97.5%	\$2,800.00	\$2,164.00

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DIVISION 6B - COURT ROOM FURNITURE										
120	Millwork Shop Drawings	\$12,000.00	12,000.00				12,000.00	100.0%	\$25,000.00	\$240.00
121	Millwork Info Desk Material	\$25,000.00	0.00				0.00		\$35,000.00	\$0.00
122	Millwork Wall Panel Material	\$35,000.00	0.00				0.00		\$42,000.00	\$0.00
123	Millwork Vanities Material	\$42,000.00	0.00				0.00		\$15,000.00	\$0.00
124	Millwork Counters Material	\$15,000.00	0.00				0.00		\$23,000.00	\$0.00
125	Millwork Casework Material	\$23,000.00	0.00				0.00		\$11,000.00	\$0.00
126	Millwork Judge Bench Material	\$11,000.00	0.00				0.00		\$62,000.00	\$0.00
127	Millwork Labor	\$62,000.00	0.00				0.00			
DIVISION 6B - COURT ROOM FURNITURE										
128	Pews Submittals	\$1,125.00	0.00				0.00		\$1,125.00	\$0.00
129	Pews Material	\$15,000.00	0.00				0.00		\$15,000.00	\$0.00
130	Pews Labor	\$6,154.00	0.00				0.00		\$6,154.00	\$0.00
DIVISION 7A - WATERPROOFING										
131	Waterproofing Submittals	\$2,500.00	2,500.00				2,500.00	100.0%	\$50.00	\$50.00
132	Waterproofing Material	\$38,375.00	38,375.00				38,375.00	100.0%	\$767.50	\$767.50
133	Waterproofing Labor	\$64,125.00	64,125.00				64,125.00	100.0%	\$1,282.50	\$1,282.50
DIVISION 7B - MEMBRANE ROOFING										
134	Membrane Roof Submittals	\$2,500.00	1,250.00				1,250.00	50.0%	\$1,250.00	\$25.00
135	Membrane Roof Material	\$14,350.00	8,500.00				8,500.00	59.2%	\$5,850.00	\$170.00
136	Membrane Roof Labor	\$43,400.00	5,450.00				5,450.00	12.6%	\$37,950.00	\$109.00
137	Insulation Material	\$6,150.00	5,500.00				5,500.00	89.4%	\$650.00	\$110.00
138	Insulation Labor	\$18,600.00	0.00				0.00		\$18,600.00	\$0.00
DIVISION 7D - METAL ROOFING										
139	Metal Roofing Submittals	\$5,000.00	5,000.00				5,000.00	100.0%	\$100.00	\$100.00
140	Metal Roofing Material	\$99,400.00	94,400.00				94,400.00	95.0%	\$5,000.00	\$1,888.00
141	Metal Roofing Labor / Under Layment	\$172,925.00	164,100.00				164,100.00	94.9%	\$8,825.00	\$3,282.00
142	Insulation Material	\$42,600.00	40,000.00				40,000.00	93.9%	\$2,600.00	\$800.00
143	Insulation Labor	\$74,100.00	70,400.00				70,400.00	95.0%	\$3,700.00	\$1,408.00
DIVISION 7E - SPRAY FOAM INSULATION										
144	Spray Foam Insulation Submittals	\$1,125.00	0.00				1,125.00	100.0%	\$22.50	\$22.50
145	Spray Foam Insulation Material	\$8,000.00	0.00				8,000.00	100.0%	\$160.00	\$160.00
146	Spray Foam Insulation Labor	\$20,000.00	0.00				20,000.00	100.0%	\$400.00	\$400.00
DIVISION 7F - INTUMESCENT FIREPROOFING										
147	Fireproofing Submittals	\$1,125.00	0.00				0.00		\$1,125.00	\$0.00
148	Fireproofing Material	\$780.00	0.00				0.00		\$780.00	\$0.00
149	Fireproofing Labor	\$4,850.00	0.00				0.00		\$4,850.00	\$0.00
DIVISION 8 - DOORS, WINDOWS, & GLASS										
150	Aluminum and Glass Submittals	\$10,000.00	4,160.00				6,690.00	66.9%	\$3,310.00	\$133.80
151	Aluminum and Glass Material	\$247,000.00	15,466.00				56,499.00	22.9%	\$190,501.00	\$1,129.98
152	Transaction Windows	\$28,000.00	0.00				0.00		\$28,000.00	\$0.00
153	Aluminum and Glass Labor	\$115,000.00	0.00				25,262.50	22.0%	\$89,737.50	\$505.25
DIVISION 8C - HOLLOW METAL WORK										

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154	Door and Hardware Submittals	\$6,000.00	1,500.00			1,500.00	25.0%	\$4,500.00	\$30.00
155	HM Doors and Frames Material	\$60,500.00	60,500.00			60,500.00	100.0%	\$1,210.00	\$1,210.00
156	Door Frames Labor	\$16,000.00	16,000.00			16,000.00	100.0%	\$320.00	\$320.00
DIVISION 8D - WOOD DOORS									
157	Wood Doors Material	\$17,250.00	0.00			0.00		\$17,250.00	\$0.00
158	Doors Labor	\$48,000.00	0.00			0.00		\$48,000.00	\$0.00
DIVISION 9A - DRYWALL									
159	Drywall Material	\$112,000.00	0.00	11,200.00		11,200.00	10.0%	\$100,800.00	\$224.00
160	Drywall Labor	\$252,000.00	0.00			0.00		\$252,000.00	\$0.00
161	Insulation Material	\$19,000.00	0.00			0.00		\$19,000.00	\$0.00
162	Insulation Labor	\$38,000.00	0.00			0.00		\$38,000.00	\$0.00
163	Tape & Spackle	\$66,000.00	0.00			0.00		\$66,000.00	\$0.00
DIVISION 9B - ACOUSTIC TREATMENT									
164	Ceiling Grid Material	\$24,500.00	0.00			0.00		\$24,500.00	\$0.00
165	Ceiling Grid Labor	\$43,000.00	0.00			0.00		\$43,000.00	\$0.00
166	Ceiling Tile Material	\$28,000.00	0.00			0.00		\$28,000.00	\$0.00
167	Ceiling Tile Labor	\$15,000.00	0.00			0.00		\$15,000.00	\$0.00
168	Acoustical Wall Panels Labor	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
169	Acoustical Wall Panels Material	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
DIVISION 9C - PAINTING & FINISHING									
170	Paint Submittals	\$1,125.00	0.00			0.00		\$1,125.00	\$0.00
171	Painting Material	\$16,500.00	0.00			0.00		\$16,500.00	\$0.00
172	Painting Labor	\$74,109.00	0.00			0.00		\$74,109.00	\$0.00
173	GFRG Material	\$7,000.00	0.00			0.00		\$7,000.00	\$0.00
174	GFRG Labor	\$7,000.00	0.00			0.00		\$7,000.00	\$0.00
DIVISION 9D - CERAMIC TILE									
175	Tile Submittals	\$1,125.00	0.00			0.00		\$1,125.00	\$0.00
176	Tile Material	\$19,500.00	0.00			0.00		\$19,500.00	\$0.00
177	Tile Labor	\$38,375.00	0.00			0.00		\$38,375.00	\$0.00
DIVISION 9E - CARPET & RESILIENT FLOORING									
178	Carpet- Materials	\$25,000.00	0.00			0.00		\$25,000.00	\$0.00
179	Carpet Labor	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
180	LVT Materials	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
181	LVT Labor	\$3,000.00	0.00			0.00		\$3,000.00	\$0.00
182	VCT Materials	\$7,500.00	0.00			0.00		\$7,500.00	\$0.00
183	VCT Labor	\$7,500.00	0.00			0.00		\$7,500.00	\$0.00
184	Interlocking Tiles Material	\$35,000.00	0.00			0.00		\$35,000.00	\$0.00
185	Interlocking Tiles Labor	\$1,000.00	0.00			0.00		\$1,000.00	\$0.00
186	Rubber Treads/Tile Material	\$7,500.00	0.00			0.00		\$7,500.00	\$0.00
187	Rubber Treads/Tile Labor	\$7,000.00	0.00			0.00		\$7,000.00	\$0.00
188	Misc. Flooring Material	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
189	Misc. Flooring Labor	\$3,500.00	0.00			0.00		\$3,500.00	\$0.00



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DIVISION 9F - MONOLITHIC FLOORING									
190	Epoxy Flooring Submittals	\$1,125.00	0.00			0.00		\$1,125.00	\$0.00
191	Epoxy Flooring Material	\$6,542.00	0.00			0.00		\$6,542.00	\$0.00
192	Epoxy Flooring Labor	\$6,543.00	0.00			0.00		\$6,543.00	\$0.00
DIVISION 10 - SPECIALTIES									
193	Signage Submittals	\$1,125.00	0.00			0.00		\$1,125.00	\$0.00
194	Signage Material	\$12,750.00	938.00			938.00	7.4%	\$11,812.00	\$18.76
195	Signage Labor	\$9,343.00	0.00			0.00		\$9,343.00	\$0.00
DIVISION 10A - FINISHING HARDWARE									
196	Door Hardware Material	\$94,999.00	0.00			0.00		\$94,999.00	\$0.00
DIVISION 10B - TOILET ROOM ACCESSORIES									
197	Bathroom Accessories Material	\$10,420.00	0.00			0.00		\$10,420.00	\$0.00
198	Bathroom Accessories Labor	\$7,000.00	0.00			0.00		\$7,000.00	\$0.00
DIVISION 10C - PLASTIC TOILET PARTITIONS									
199	Bathroom Partitions Material	\$3,900.00	0.00			0.00		\$3,900.00	\$0.00
200	Bathroom Partitions Labor	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
DIVISION 10D - METAL SPECIALTIES									
201	Lockers (Personal) Material / Shop Drawings	\$69,440.00	4,000.00			4,000.00	5.8%	\$65,440.00	\$80.00
202	Lockers (Personal) Labor	\$20,000.00	0.00			0.00		\$20,000.00	\$0.00
203	Evidence Lockers	\$18,942.00	0.00			0.00		\$18,942.00	\$0.00
204	Markerboards	\$12,490.00	0.00			0.00		\$12,490.00	\$0.00
205	Cornerguards	\$2,775.00	0.00			0.00		\$2,775.00	\$0.00
206	Wire Security Partitions	\$4,877.00	0.00			0.00		\$4,877.00	\$0.00
207	Curved Exterior Seating Material	\$16,470.00	0.00			0.00		\$16,470.00	\$0.00
208	Curved Exterior Seating Labor	\$4,000.00	0.00			0.00		\$4,000.00	\$0.00
209	Fingerprint Station	\$300.00	0.00			0.00		\$300.00	\$0.00
210	Intercom Mounting Pedestals w/Enclosure	\$200.00	0.00			0.00		\$200.00	\$0.00
211	Key Cabinets	\$1,540.00	0.00			0.00		\$1,540.00	\$0.00
212	Night Depository Unit	\$2,510.00	0.00			0.00		\$2,510.00	\$0.00
213	Fire Extinguisher Cabinets	\$2,125.00	0.00			0.00		\$2,125.00	\$0.00
DIVISION 10E - INSULATED ROLLING DOORS									
214	Overhead Door Submittals	\$1,125.00	0.00			0.00		\$1,125.00	\$0.00
215	Overhead Door Material	\$20,000.00	0.00			0.00		\$20,000.00	\$0.00
216	Overhead Door Labor	\$10,849.00	0.00			0.00		\$10,849.00	\$0.00
DIVISION 10F - ACCESS FLOOR SYSTEM									
217	Access Floor Submittals	\$1,125.00	0.00			0.00		\$1,125.00	\$0.00
218	Access Floors Material	\$6,188.00	0.00			0.00		\$6,188.00	\$0.00
219	Access Floors Labor	\$6,187.00	0.00			0.00		\$6,187.00	\$0.00
DIVISION 11A - DETENTION EQUIPMENT									
220	Detention/Police Equipment Submittals	\$1,700.00	1,700.00			1,700.00	100.0%	\$0.00	\$34.00
221	Detention/Police Equipment Doors and Frames	\$58,200.00	0.00			0.00		\$58,200.00	\$0.00
222	Detention/Police Equipment Hardware	\$48,600.00	0.00			0.00		\$48,600.00	\$0.00

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223	Detention/Police Equipment Cleaning Trap	\$1,900.00	0.00			0.00		\$1,900.00	\$0.00
224	Detention/Police Equipment Pistol Lockers	\$3,400.00	0.00			0.00		\$3,400.00	\$0.00
225	Detention/Police Equipment Benches	\$3,800.00	0.00			0.00		\$3,800.00	\$0.00
DIVISION 14A - LULA Elevator									
226	Elevator Shops	\$3,500.00	3,325.00			3,325.00	95.0%	\$175.00	\$66.50
227	Elevator Material / Release to Production	\$30,000.00	0.00			0.00		\$30,000.00	\$0.00
228	Elevator Labor	\$28,700.00	0.00			0.00		\$28,700.00	\$0.00
DIVISION 15 - MECHANICAL									
229	Equipment Shops	\$2,000.00	2,000.00			2,000.00	100.0%		\$40.00
230	Sheet Metal Shops	\$10,000.00	8,000.00			8,000.00	80.0%	\$2,000.00	\$160.00
231	ATC Shops	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00
232	Mobilization	\$6,000.00	6,000.00			6,000.00	100.0%		\$120.00
233	RTU's Material	\$40,000.00	40,000.00			40,000.00	100.0%		\$800.00
234	RTUs Labor	\$2,000.00	0.00			0.00		\$2,000.00	\$0.00
235	VRF Cassette / EUR Units Material	\$190,000.00	186,000.00	4,000.00		190,000.00	100.0%		\$3,800.00
236	VRF Cassette / EUR Units Labor	\$32,500.00	29,000.00	2,000.00		31,000.00	95.4%	\$1,500.00	\$620.00
237	Condensing Units	\$23,000.00	20,000.00			20,000.00	87.0%	\$3,000.00	\$400.00
238	Electric Heat	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00
239	Duct Heaters	\$4,000.00	3,000.00			3,000.00	75.0%	\$1,000.00	\$60.00
240	Exhaust Fans	\$4,000.00	3,000.00			3,000.00	75.0%	\$1,000.00	\$60.00
241	Fire Dampers	\$5,000.00	5,000.00			5,000.00	100.0%		\$100.00
242	ACR Piping Material	\$20,000.00	15,000.00	3,000.00		18,000.00	90.0%	\$2,000.00	\$100.00
243	ACRP Piping Labor	\$80,000.00	50,000.00	10,000.00		60,000.00	75.0%	\$20,000.00	\$1,200.00
244	Condensate Piping	\$12,000.00	3,500.00	4,500.00		8,000.00	66.7%	\$4,000.00	\$160.00
245	Sheet Metal Shop Material /Labor	\$130,000.00	114,000.00	6,000.00		120,000.00	92.3%	\$10,000.00	\$2,400.00
246	Sheet Metal Field Labor	\$422,000.00	301,000.00	25,000.00		326,000.00	77.3%	\$96,000.00	\$6,520.00
247	Insulation	\$50,000.00	7,500.00	20,000.00		27,500.00	55.0%	\$22,500.00	\$550.00
248	Cranes/Lift	\$15,000.00	0.00			0.00		\$15,000.00	\$0.00
249	ATC Rough	\$80,000.00	21,500.00			21,500.00	26.9%	\$58,500.00	\$430.00
250	ATC Finish	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00
251	ATC Programming and Graphics	\$5,000.00	0.00			0.00		\$5,000.00	\$0.00
252	Air Devices	\$12,000.00	0.00			0.00		\$12,000.00	\$0.00
253	CO Panel	\$2,500.00	0.00			0.00		\$2,500.00	\$0.00
254	Startup/Warranty	\$14,000.00	0.00			0.00		\$14,000.00	\$0.00
255	Balancing	\$5,000.00	0.00			0.00		\$5,000.00	\$0.00
256	O&M and Closeout Documents	\$3,000.00	0.00			0.00		\$3,000.00	\$0.00
257	Punch List	\$3,000.00	0.00			0.00		\$3,000.00	\$0.00
DIVISION 15 - PLUMBING									
258	Submittals and Mobilization	\$6,000.00	4,800.00			4,800.00	80.0%	\$1,200.00	\$96.00
259	UG DWV Piping Material Basement	\$32,000.00	32,000.00			32,000.00	100.0%		\$640.00
260	UG DWV Piping Labor Basement	\$14,000.00	14,000.00			14,000.00	100.0%		\$280.00
261	AG DWV Piping Material	\$18,000.00	18,000.00			18,000.00	100.0%		\$360.00

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262	AG DWV Piping Labor	\$60,000.00	54,000.00	6,000.00			60,000.00	100.0%		\$1,200.00
263	AG Dem. Water piping Material	\$16,000.00	16,000.00				16,000.00	100.0%		\$320.00
264	AG Dem. Water piping Labor	\$42,000.00	31,500.00	6,500.00			38,000.00	90.5%	\$4,000.00	\$760.00
265	Natural Gas Piping Material	\$5,000.00	4,500.00				4,500.00	90.0%	\$500.00	\$90.00
266	Natural Gas Piping Labor	\$10,000.00	9,000.00				9,000.00	90.0%	\$1,000.00	\$180.00
267	Storm Drain Material	\$14,000.00	7,000.00				7,000.00	50.0%	\$7,000.00	\$140.00
268	Storm Drain Labor	\$20,000.00	10,000.00				10,000.00	50.0%	\$10,000.00	\$200.00
269	Fixtures and Specialties	\$95,000.00	39,000.00				95,000.00	100.0%		\$1,900.00
270	Fixture Labor	\$42,000.00	4,000.00	56,000.00			4,000.00	9.5%	\$38,000.00	\$80.00
<b>DIVISION 15 - SPRINKLER SYSTEM (15526)</b>										
271	Mobilization	\$1,000.00	1,000.00				1,000.00	100.0%		\$20.00
272	Engineer Stamp	\$2,000.00	1,600.00				1,600.00	80.0%	\$400.00	\$32.00
273	Design	\$20,000.00	20,000.00				20,000.00	100.0%		\$400.00
274	Valve Room Material	\$7,000.00	0.00				0.00		\$7,000.00	\$0.00
275	Valve Room Labor	\$12,000.00	0.00				0.00		\$12,000.00	\$0.00
276	Rough in Material	\$30,000.00	30,000.00				30,000.00	100.0%		\$600.00
277	Rough in Labor	\$81,000.00	40,500.00				40,500.00	50.0%	\$40,500.00	\$810.00
278	Plates	\$1,000.00	0.00				0.00		\$1,000.00	\$0.00
279	Testing	\$2,000.00	0.00				0.00		\$2,000.00	\$0.00
280	Demobilization	\$1,000.00	0.00				0.00		\$1,000.00	\$0.00
281	Closeout	\$1,000.00	0.00				0.00		\$1,000.00	\$0.00
282	Punch List	\$1,500.00	0.00				0.00		\$1,500.00	\$0.00
<b>DIVISION 16/17 - ELECTRICAL/TECH. SYSTEMS</b>										
283	Mobilization	\$25,000.00	25,000.00				25,000.00	100.0%		\$500.00
284	Submittals	\$5,000.00	5,000.00				5,000.00	100.0%		\$100.00
285	Temp Electric for Office Trailer L/M	\$5,000.00	5,000.00				5,000.00	100.0%		\$100.00
286	Temp Electric power and lights for new building L/M	\$6,000.00	6,000.00				6,000.00	100.0%		\$120.00
287	Rough-in site electric serv high volt. telecom. cond Lab	\$33,000.00	33,000.00				33,000.00	100.0%		\$660.00
288	Rough-in site electric serv high volt. telecom. cond Mat	\$28,000.00	28,000.00				28,000.00	100.0%		\$560.00
289	Rough in all panels, transformer Labor	\$32,000.00	19,200.00				24,000.00	75.0%	\$8,000.00	\$480.00
290	Rough in all panels, transformer Material	\$30,000.00	12,000.00	4,800.00			15,000.00	75.0%	\$5,000.00	\$300.00
291	Finish all panels, transformers Labor	\$70,000.00	37,592.48	11,407.52			49,000.00	70.0%	\$21,000.00	\$980.00
292	Finish all panels, transformers Material	\$13,000.00	7,150.00				7,150.00	55.0%	\$5,850.00	\$143.00
293	Rough in Generator Labor	\$9,000.00	4,500.00				4,500.00	50.0%	\$4,500.00	\$90.00
294	Rough in Generator Material	\$18,000.00	0.00				0.00		\$18,000.00	\$0.00
295	Finish work for generator Labor	\$60,000.00	52,000.00				52,000.00	86.7%	\$8,000.00	\$1,040.00
296	Finish work for generator Material	\$180,000.00	72,000.00	36,000.00			108,000.00	60.0%	\$72,000.00	\$2,160.00
297	Rough-in all power and lighting labor	\$110,000.00	44,000.00	22,000.00			66,000.00	60.0%	\$44,000.00	\$1,320.00
298	Rough-in all power and lighting materials	\$190,000.00	0.00				0.00		\$190,000.00	\$0.00
299	Finish all power and lighting Labor	\$264,000.00	256,587.76				256,587.76	97.2%	\$7,412.24	\$5,131.76
300	Finish all power and lighting Material	\$14,000.00	2,100.00				4,200.00	30.0%	\$9,800.00	\$84.00
301	Rough in the installation of the FA System Labor									

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ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G÷C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)	
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
302	Rough in the installation of the F.A System Material	\$9,000.00	1,350.00	1,350.00		2,700.00	30.0%	\$6,300.00	\$54.00	
303	Finish work F.A Labor	\$13,000.00	0.00			0.00		\$13,000.00	\$0.00	
304	Finish work F.A Material	\$13,000.00	9,500.00			9,500.00	73.1%	\$3,500.00	\$190.00	
305	Rough in lighting protection system L&M	\$10,000.00	2,500.00			2,500.00	25.0%	\$7,500.00	\$50.00	
306	Finish for Lightning protection system L&M	\$8,000.00	2,000.00			2,000.00	25.0%	\$6,000.00	\$40.00	
307	Rough in Teledata Labor	\$14,000.00	2,520.00		5,880.00	8,400.00	60.0%	\$5,600.00	\$168.00	
308	Rough in Teledata Material	\$9,000.00	1,620.00	3,780.00		5,400.00	60.0%	\$3,600.00	\$108.00	
309	Finish for teledata labor	\$38,000.00	0.00			0.00		\$38,000.00	\$0.00	
310	Finish for teledata Material	\$49,000.00	0.00			0.00		\$49,000.00	\$0.00	
311	General demo for all electric labor	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00	
312	Install cable trays labor and material	\$14,000.00	6,000.00	8,000.00		14,000.00	100.0%		\$280.00	
313	Rough in AV system labor	\$10,000.00	1,000.00			1,000.00	10.0%	\$9,000.00	\$20.00	
314	Rough in AV system material	\$8,000.00	800.00			800.00	10.0%	\$7,200.00	\$16.00	
315	Finish work AV labor	\$40,000.00	0.00			0.00		\$40,000.00	\$0.00	
316	Finish work AV material	\$65,000.00	2,300.00		39,900.00	42,200.00	64.9%	\$22,800.00	\$844.00	
317	Rough for CCTV, Access Control, Booster System Lab	\$18,500.00	3,330.00	7,770.00		11,100.00	60.0%	\$7,400.00	\$222.00	
318	Rough for CCTV, Access Control, Booster System Mat	\$8,000.00	1,440.00	3,360.00		4,800.00	60.0%	\$3,200.00	\$96.00	
319	Finish for CCTV, Access Control, Booster System Mat	\$24,000.00	0.00			0.00		\$24,000.00	\$0.00	
320	Finish for CCTV, Access Control, Booster System Mat	\$125,000.00	122,000.00			122,000.00	97.6%	\$3,000.00	\$2,440.00	
321	Rough in parking lot poles and lights labor	\$14,000.00	6,300.00	700.00		7,000.00	50.0%	\$7,000.00	\$140.00	
322	Rough in parking lot poles and lights material	\$7,000.00	2,708.00	792.00		3,500.00	50.0%	\$3,500.00	\$70.00	
323	Finish work for the parking lot poles and lights labor	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00	
324	Finish work for the parking lot poles and lights material	\$17,000.00	13,050.00			13,050.00	76.8%	\$3,950.00	\$261.00	
325	As Built	\$4,500.00	0.00			0.00		\$4,500.00	\$0.00	
326	Closeout	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00	
327	Punch List	\$10,000.00	0.00			0.00		\$10,000.00	\$0.00	
Base Contract Subtotal		12,964,000.00	6,838,542.34	429,370.92	39,900.00	7,307,813.26	56.4%	\$5,656,186.74	\$0.00	
CHANGE ORDERS										
328	BMPC CO #01 Credit for Submittal Exchange	(13,200.00)	(13,200.00)			(13,200.00)	100.0%		(\$264.00)	
329	BMPC CO #02 Temporary Storm Water Control	12,579.00	12,579.00			12,579.00	100.0%		\$251.58	
330	BMPC CO #03 Revised E-Drawings	2,532.00				0.00		\$2,532.00	\$0.00	
331	BMPC CO #04 Modify Sitework	29,759.00				0.00		\$29,759.00	\$0.00	
332	BMPC CO #05 Remove Underground CC Tank	4,246.67	4,246.67			4,246.67	100.0%		\$84.93	
333	BMPC CO #06 4 Month of CM Allowance	(40,000.00)	(40,000.00)			(40,000.00)	100.0%		(\$800.00)	
334	BMPC CO #07 Additional Temp Drain	4,511.00	4,511.00			4,511.00	100.0%		\$90.22	
335	BMPC CO #08 Stone Over Footings	12,670.80	12,670.80			12,670.80	100.0%		\$253.42	
336	BMPC CO #09 2" Sump Discharge Pipe	4,118.29				0.00		\$4,118.29	\$0.00	
337	BMPC CO #10 Remove U/G/U/F Conc. Struct.	13,281.00	13,281.00			13,281.00	100.0%		\$265.62	
338	BMPC CO #11 Steel Framg at O/H Door	6,567.24	6,567.24			6,567.24	100.0%		\$131.34	
339	BMPC CO #12 Steel Baseplate Change	515.77	515.77			515.77	100.0%		\$10.32	

# CONTINUATION SHEET

AIA DOCUMENT G703

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

APPLICATION NO:	15
APPLICATION DATE:	May 17 2022
PERIOD TO:	May 15 2022
ARCHITECT'S PROJECT NO:	BMPC

A	B	C	D	E	F	G	H	I	
ITEM NO	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G÷C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
340	BMPC CO #13	(33.90)				(33.90)	100.0%		(\$0.68)
341	BMPC CO #14 Truss Relocation	17,719.88	17,719.88			17,719.88	100.0%		\$354.40
342	BMPC CO #15 Personnel Lockers	29,431.99				0.00		\$29,431.99	\$0.00
343	BMPC CO #16 Exterior Electronic Sign	47,290.16				0.00		\$47,290.16	\$0.00
344	BMPC CO #17 Electrical Changes per Rev #8	3,588.87	900.00	894.44		1,794.44	50.0%	\$1,794.43	\$35.89
345	BMPC CO #18 Changes per Rev #10	330,523.23	8,250.00			8,250.00	2.5%	\$322,273.23	\$165.00
	Change Order Subtotal	466,101.00	28,041.36	860.54	0.00	28,901.90	6.2%	\$437,199.10	\$0.00
	GRAND TOTALS	13,430,101.00	6,866,583.70	430,231.46	39,900.00	7,336,715.16	54.6%	\$6,093,385.84	\$146,734.30

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Frankoski Construction Co.

(973) 414-9224 • Fax: (973) 678-0520

GENERAL CONTRACTORS  
314 DODD STREET  
EAST ORANGE, NEW JERSEY 07017

## Conditional Waiver and Release Upon Progress Payment

Upon receipt by the undersigned of a check from Township of Barnegat Customer Name in the sum of \$ 460,728.83 Amount of Payment payable to Frankoski Construction Co., Inc. and when the check has been properly endorsed and has been paid by the bank upon which it is drawn, this document shall become effective to release any mechanic's lien, stop notice or bond right the undersigned has on the BMPC New Municipal Building Project Site Name located at 900 West Bay Avenue, Barnegat, NJ 08005 to the following extent: This release covers

Project Site Address  
a progress payment for labor, services, equipment or material furnished to BMPC New Municipal Building Project Site Name through 5/15/2022 Date of Payment Requisition and does not cover any retention retained before, or after, the release date; extras furnished before the release date for which payment has not been received; extras or items furnished after the release date. Rights based upon work performed or items furnished under a written Change Order which has been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release. This release of any mechanic's lien, stop notice or bond right shall not otherwise affect the contract rights, including rights between parties to the contract based upon a rescission, abandonment or breach of the contract, or the right of the undersigned to recover compensation for furnished labor, services, equipment or material covered by this release if that furnished labor, services, equipment or material was not compensated by any previous progress payments.

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

5/26/2022  
(Date Signed)

Greg Frankoski, Project Exec.  
(Printed Name/Title)  
[Signature]  
(Signature)

Notary	Subscribed and sworn to before me, this
26th	Day of May 2022
<u>[Signature]</u>	<small>(Notary Public Signature)</small>
My Commission Expires <u>3/14/23</u>	
County of <u>Morris</u>	State of <u>New Jersey</u>

SARAH VANDERHOOF  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 50078656  
My Commission Expires 3/14/2023

**Contractor's Affidavit of Payment of Debts and Claims**

**PROJECT:** (Name and address)  
BPMC New Municipal Building  
900 West Bay Ave, Barnegat, NJ  
Township of Barnegat  
900 West Bay Ave, Barnegat, NJ

**TO OWNER:** (Name and address)  
Township of Barnegat  
900 West Bay Ave, Barnegat, NJ

**CONTRACT FOR:** New Municipal Building  
**CONTRACT DATED:** 10/6/2020

**ARCHITECT'S PROJECT NUMBER:** BPMC

☒ OWNER  
☒ ARCHITECT  
☐ CONTRACTOR  
☐ SURETY  
☐ OTHER:

**STATE OF:** New Jersey  
**COUNTY OF:** Essex

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

**EXCEPTIONS:**

This applies to Payment Requisition No. 15 only.

**SUPPORTING DOCUMENTS ATTACHED HERETO:**

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

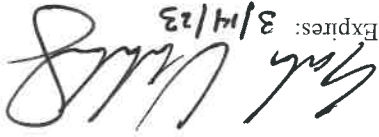
Indicate Attachment ☐ Yes ☐ No

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

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

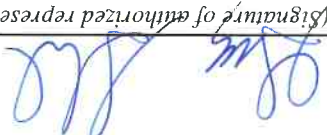
**SARAH VANDERHOOF**  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 50078656  
My Commission Expires 10/1/2021

Notary Public:  
My Commission Expires: 3/14/23



Subscribed and sworn to before me on this date: 5/26/22

Greg Frankoski, Project Executive  
(Printed name and title)

BY:   
(Signature of authorized representative)

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



# AIA<sup>®</sup> Document G706A<sup>™</sup> – 1994

## Contractor's Affidavit of Release of Liens

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

**STATE OF:** New Jersey  
**COUNTY OF:** Essex

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

### EXCEPTIONS:

This applies to Payment Requisition No. 15 only.

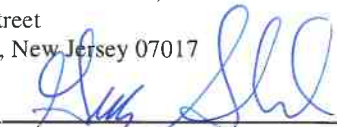
### SUPPORTING DOCUMENTS ATTACHED HERETO:

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

### CONTRACTOR: *(Name and address)*

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

BY:

  
*(Signature of authorized representative)*

Greg Frankoski, Project Executive  
*(Printed name and title)*

Subscribed and sworn to before me on this date: 5/26/22

Notary Public:

My Commission Expires: 3/14/23

SARAH VANDERHOOF  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 50078656  
My Commission Expires 3/14/2023



**RESOLUTION 2022-204**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING TAX COLLECTOR TO REFUND  
HOMESTEAD BENEFIT**

**WHEREAS**, the following Homeowner is receiving a Totally Disabled Veterans Property Tax Exemption; and

**WHEREAS**, the State of New Jersey sent Barnegat Township the Homestead Benefit for the following Homeowner; and

**WHEREAS**, the Tax Collector deems that the homeowners should receive a refund for their Homestead Benefit as they are totally exempt and have no billing.

<b>Block/Lot Refund</b>	<b>Homeowner</b>	<b>Homestead Benefit</b>
93.20/86	Robert & Kathleen Stamboni 124 Mission Way	\$ 935.68

**THEREFORE BE IT RESOLVED**, by the Township Committee of the County of Ocean, State of New Jersey that the Treasurer is hereby directed to refund the above mentioned homeowner \$935.68 and the Collector to adjust her records.

**CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee at their regular meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ 08005, on June 9, 2022

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Donna M. Manno, RMC  
Municipal Clerk

## RESOLUTION 2022-205

### RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RENEWAL OF LIQUOR LICENSES FOR THE 2022/2023 TERM

**WHEREAS**, in accordance with N.J.S.A. 33:1.1 Liquor Licenses issued by a Municipality must be issued or renewed on or before July 1, and

**WHEREAS**, the corporations listed below have submitted their renewal applications and fees to the Municipal Clerk's Office, and to the State in accordance with State Statute, now

**THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, that this governing body hereby gives approval for the renewal of the following Plenary Retail Distribution and Consumption Licenses for the term 2022/2023:

#### Active Licenses

Jamuna, LLC T/A Spirits Unlimited 580 North Main Street, Barnegat, NJ	No. 1533-33-001-008
-----------------------------------------------------------------------------	---------------------

Barnegat Ventures, LLC T/A Doyle's Pour House 345 South Main Street, Barnegat, NJ	No. 1533-33-003-009
-----------------------------------------------------------------------------------------	---------------------

Leftor's LLC T/A Lefty's Tavern 547 North Main Street, Barnegat, NJ	No. 1533-33-004-007
---------------------------------------------------------------------------	---------------------

Sree Krishna, Inc. Super Saver T/A Meyers Liquor Store 362 North Main Street, Barnegat, NJ	No. 1533-44-005-005
-----------------------------------------------------------------------------------------------------	---------------------

Trash Ladies, LLC T/A Barnegat Wine & Spirits 912 West Bay Avenue, Unit 160 Barnegat, NJ 08005	No. 1533-44-010-004
---------------------------------------------------------------------------------------------------------	---------------------

Sun Harbor Seafood T/A Sun Harbor Seafood & Grill 451 E. Bay Avenue, Barnegat, NJ	No. 1533-33-002-006
-----------------------------------------------------------------------------------------	---------------------

**Inactive Licenses:**

Golf Consultants	No. 1533-33-011-001
Franklin Barnegat Liquor	No. 1533-33-012-004
Barnegat Brew and Spirits Inc.	No. 1533-33-013-003

**BE IT FURTHER RESOLVED** that according to State Statute, the following Club Licenses are hereby renewed for the 2022/2023 term:

American Legion Post 232 499 N. Main Street PO Box 364, Barnegat, NJ	No. 1533-31-006-001
----------------------------------------------------------------------------	---------------------

Barnegat Fire Co. No. 1 11 Birdsall Street PO Box 539, Barnegat, NJ 08005	No. 1533-31-009-001
---------------------------------------------------------------------------------	---------------------

**CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 9<sup>th</sup> day of June, 2022.

---

Donna M. Manno, RMC  
Municipal Clerk

**RESOLUTION NO. 2022-206**

**RESOLUTION OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF BARNEGAT, COUNTY  
OF OCEAN, STATE OF NEW JERSEY,  
AWARDING BID FOR THE MIRAGE WATER  
TOWER 12" INTERCONNECT TO  
LAKELAND DRIVE**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, ("the Township") solicited bids for the Mirage Water Tower 12" Interconnect to Lakeland Drive("the Project"); and

**WHEREAS**, bids were solicited in accordance with the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, in response to solicitation of bids, three (3) bids were received:

<u>Name</u>	<u>Bid Amount</u>
Crest Construction Group, LLC.	\$ 50,380.00
Earle Asphalt Company	\$ 99,113.13
West Bay Construction, Inc.	\$ 118,775.00

**WHEREAS**, the bids have been reviewed by the Township's professional staff;  
and

**WHEREAS**, the Township's Water and Sewer Engineer, Alaimo Group issued correspondence dated June 9, 2022 recommending award of the bid subject to the Township's budgetary constraints to Crest Construction Group, LLC., is attached hereto and made a part hereof.

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

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

**NOW, THEREFORE, BE IT RESOLVED** on this 9<sup>th</sup> day of June 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township accepts the recommendation of its professional staff and hereby awards the bid for the 12" Interconnect to Crest Construction Group, LLC. With a base bid of \$50,380.00 subject to the Township's budgetary constraints.

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

- (a) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Kurt J. Otto, PE, Township Engineer
- (d) Richard Drewes, Alaimo Group;
- (e) Tom Lombarski, CFO;
- (f) Crest Construction Group, LLC.;
- (g) All bidders; and
- (h) Christopher Dasti, Township Attorney.

**CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

\_\_\_\_\_  
Donna M. Manno, RMC  
Municipal Clerk

DASTI & ASSOCIATES  
ATTORNEYS AT LAW

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

## **RESOLUTION 2022-207**

### **RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP COMMITTEE TO RETIRE INTO CLOSED SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL, CONTRACTUAL OR LITIGATION MATTERS.**

**WHEREAS**, the Barnegat Township Committee desires discussion pertaining to contractual matters in closed session; and

**WHEREAS**, N.J.S.A. 10:4-12(b) provides for the exclusion of the public from such discussions; now

**THEREFORE, BE IT RESOLVED** by the Township Committee as follows:

1. The committee shall hold a closed meeting for the purpose of discussion of the aforementioned subject.
2. The committee shall disclose to the public the results of such discussion at such times as formal action, if any, is taken on the subject.

### **CERTIFICATION**

I, Donna M. Manno, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify the foregoing resolution adopted by the Township Committee on June 9, 2022.

---

Donna M. Manno, RMC  
Municipal Clerk