

Brick Township Council
May 8, 2018
Caucus/Public Meeting
7:00 PM
Agenda No. 2

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on January 5, 2018. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net). At this time please silence or turn off your cell phone.
3.
 - a. Roll Call.
 - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
 - c. Approve Minutes of March 27, 2018 Meeting.
 - d. Presentations:
 1. Historic Preservation Award.
 2. Older Americans' Month.
 3. Leave Only Your Footprints.

Consent Agenda

"All matters listed under item "Consent Agenda" will be enacted by one motion in the form listed below. If discussion is desired on any item, this item will be removed from the Consent Agenda and will be considered separately."

4. Resolutions:

- ____1. Recognize Older Americans' Month.
- ____2. Authorize 2018 Temporary Capital Budget.
- ____3. Authorize Receipt of Bids – Professional Medical Services.
- ____4. Authorize Receipt of Bids – Computer & Printer Supplies.
- ____5. Authorize Receipt of Bids – Vehicle Repairs.
- ____6. Authorize Award of Bid – Printing Services.
- ____7. Authorize Award of Contract – Digitization of Property Record Cards through U.S. Communities National Cooperative.
- ____8. Authorize Change Order No. 1 – Janitorial Supplies.
- ____9. Authorize Change Order No. 1 Final – Curb & Sidewalk Replacement & Construction – Various Locations.
- ____10. Authorize Addition to the Alternate Prosecutor Pool.
- ____11. Denial of Motor Vehicle Sales License – Robinson's Garage.
- ____12. Prohibit Smoking at 2018 Township Sponsored Events.
- ____13. Authorize Placement of Tax Lien for Property Clean-up.
- ____14. Authorize Special Events Permit – PC Richards & Sons Tent Sale.
- ____15. Authorize Special Events Permit – Soldiers Not Forgotten Event.
- ____16. Bond Releases/Reductions:
 - a. Performance Bond & Inspection Fund Release – Sprint Spectrum – Hooper Ave.
 - b. Performance Bond & Inspection Fund Release – Comcast Cable – Burnt Tavern Rd.
 - c. Inspection Fund Release – Lions Head Association North – Courtshire Dr.
 - d. Inspection Fund Release – Alan J. Cornblatt – Princeton Ave.
 - e. Inspection Fund Release – Scott Geldhauser – Route 88 East.
 - f. Inspection Fund Release – Unlimited Contracting – Route 88.
 - g. Inspection Fund Release – Type A Properties LLC – Herbertsville Rd.
- ____17. Tax Collector:
 - a. Tax Overpayment – 2009.
 - b. Tax Overpayment – 2010.
- ____18. **Authorize Business Administrator to enter into Contract – Online Auction for Purchase of Bulk Electricity and/or Natural Gas.**
*******End of Consent Agenda*******
- ____19. Bill Resolution – Computer 2018.
- ____20. Bill Resolution – Manual 2018.

5. Ordinances on First Reading:

- ____1. Bond Ordinance – 5 Year Life.
- ____2. Bond Ordinance – 7 Year Life.
- ____3. Bond Ordinance – 10 Year Life.
- ____4. Bond Ordinance – 15 Year Life.
- ____5. Amend Chapter 329 – Registration of Defaulted Mortgage & Vacant Property.

**Brick Township Council
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7:00 PM
Agenda No. 2**

6. Public Comments.
Please note that each person addressing the Council during any section of the meeting during which public comment is permitted shall limit his/her remarks to five minutes pursuant to Brick Township Administrative Code Section 2 -33B.
7. Council Comments.
8. Motion to Adjourn.

**And any other matters which may come before Council.
Formal Action may be taken at all meetings.**

***** Next scheduled Caucus/Public meeting of the Township Council will be on Tuesday, May 22, 2018 at 7:00 p.m.**

RESOLUTION

WHEREAS, the month of May 2018 has been designated throughout the nation as "Older Americans' Month"; and

WHEREAS, Brick Township has a sizeable population of older Americans with more than 18,000 residents over the age of 60; and

WHEREAS, the theme for this year's recognition is "*Engage at Every Age*" emphasizing that you are never too old (or young) to take part in the activities that can enrich your physical, mental and emotional well-being; and

WHEREAS, the Township of Brick and our excellent Senior Services Department provides our seniors with guidance, activities, events and much more to help all individuals live longer, healthier lives.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

- 1. We hereby urge all citizens to join us in celebrating Older Americans Month and both recognizing and celebrating the contributions of our older generations.
- 2. We further urge all citizens to make a commitment to this year's theme by taking part in enriching and beneficial activities.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-1	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Township of Brick desires to constitute the 2018 temporary capital budget of said municipality by inserting therein various projects.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Brick as follows:

Section 1. The 2018 temporary capital budget of the Township of Brick is hereby constituted by the adoption of a schedule to read as follows:

**Projects No. 1 - 8
Temporary Capital Budget of
the Township of Brick
County of Ocean, New Jersey
Project(s) Scheduled for 2018
Various Projects
Method of Financing**

	Project	Estimated Cost	Budget Appropriation	Capital Improvement Fund	General Bonds
1	Motorized Equipment (DPW, Police, Admin., Assess., Engineer, Inspect. & Rec)	\$ 1,068,311.00	\$ -	\$ 53,415.00	\$ 1,014,896.00
2	Road Improvements	\$ 4,135,000.00	\$ -	\$ 206,750.00	\$ 3,928,250.00
3	Non-Motorized Equipment	\$ 77,332.00	\$ -	\$ 3,867.00	\$ 73,465.00
4	Data Processing/Technology (all departments)	\$ 774,600.00	\$ -	\$ 38,730.00	\$ 735,870.00
5	Police Equipment (non-data processing)	\$ 387,500.00	\$ -	\$ 19,375.00	\$ 368,125.00
6	Class B Bldgs. & Grounds Improvements	\$ 1,762,257.00	\$ -	\$ 88,113.00	\$ 1,674,144.00
7	Drainage & Dredging	\$ 230,000.00	\$ -	\$ 11,500.00	\$ 218,500.00
8	Recreational Park Improvements (existing parks and beaches)	\$ 65,000.00	\$ -	\$ 3,250.00	\$ 61,750.00
	Totals	\$ 8,500,000.00	\$ -	\$ 425,000.00	\$ 8,075,000.00

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2018 temporary capital budget, to be included in the 2018 permanent capital budget as adopted.

CERTIFICATION

I, Lynnette Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May 2018.

Agenda #	5/Date
42	18/18
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, it has been brought to the attention of the governing body of the Township of Brick the Division of Purchasing and Contracting is desirous of receiving bids for the following item:

PROFESSIONAL MEDICAL SERVICES

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, AND STATE OF NEW JERSEY, as follows:

- 1. The Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above mentioned project.
- 2. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above mentioned services in accordance with Chapter 19, P.L 2004 (Pay-to-Play).

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-3	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, it has been brought to the attention of the governing body of the Township of Brick the Division of Purchasing and Contracting is desirous of receiving bids for the following item:

COMPUTER & PRINTER SUPPLIES

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, AND STATE OF NEW JERSEY, as follows:

- 1. The Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above mentioned project.
- 2. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above mentioned project.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-4	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, it has been brought to the attention of the governing body of the Township of Brick the Division of Purchasing and Contracting is desirous of receiving bids for the following item:

VEHICLE REPAIR SERVICES

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, AND STATE OF NEW JERSEY, as follows:

- 1. That the Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above mentioned project.
- 2. That the Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above mentioned project.

CERTIFICATION

I, Lynnette Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	5	Date
4-5		5/8/18
Agenda #		Date
Agenda #		Date
Agenda #		Date

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for Printing Services on April 20, 2018; and

WHEREAS, the bids have been reviewed by the Purchasing Agent; and

WHEREAS, the Purchasing Agent has recommended the award of said bid on an item per item basis to the lowest responsive and responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the bid for Printing Services is awarded on an item per item basis to the following vendors as per the attached Schedule of Prices:
 - Concept Print, 40 Lydecker Street, Nyack, NY 10960
 - TC Squared LLC, dba Centurion Printing, 352 Market Street, Kenilworth, NJ 07033
 - PDEC – Safeguard, 1 Industrial Way West, Bldg E, Ste D, Eatontown, NJ 07724
 - Ridgewood Press, 609 Franklin Turnpike, Ridgewood, NJ 07450
 - Umer Barry Publications, Inc., 1001 Corporate Circle, Toms River, NJ 08755
2. That this is a unit price bid with not to exceed amount of \$45,000.00 per contract; therefore, funds shall be certified prior to each order.
3. That this bid will be a two (2) year contract commencing on May 21, 2018 and ending on May 20, 2020.
4. That a copy of this resolution shall be forwarded to the successful bidders, Chief Financial Officer, Business Administrator and the Purchasing Agent.
5. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the Office of the Township Clerk during normal business hours.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-6	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, P.L. 2011, c. 139 allows contracting units to enter into agreement with state, regional, or single government agencies that award contracts for its own use and is authorized under its own laws to extend those contracts to other government agencies; and

WHEREAS, on July 7, 2015 the Governing Body authorized the Township to enter into an agreement with U.S. Communities to purchase goods and/or services in order to make the procurement process more efficient and to provide cost savings to the Township; and

WHEREAS, it is the desire of the Township Archivist to Digitize Historic Property Tax Cards through the U.S. Communities National Cooperative Program; and

WHEREAS, U.S. Communities awarded a contract to Ricoh USA, Inc., 1000 Atrium Way, Suite 100, Mount Laurel, N.J. 08054 under Contract #4400003732 for Multifunction Devices / Managed Print Services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, as follows:

1. That the Governing Body of the Township of Brick authorizes the Digitization of Property Tax Cards through the U.S. Communities National Cooperative for an amount not to exceed \$20,000.00.
2. That U.S. Communities has awarded a contract to Ricoh USA, Inc., 1000 Atrium Way, Suite 100, Mount Laurel, N.J. 08054 under Contract #4400003732 for Multifunction Devices / Managed Print Services.
3. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto.
4. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of contract, which shall be available for public examination in the Office of the Township Clerk during normal business hours.
5. That the Township Clerk shall further forward a certified copy of this Resolution to Ricoh USA, Inc., U.S. Communities, Business Administrator, Chief Financial Officer, Township Archivist Works and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda # 4-7	Date 5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

CHANGE ORDER #1

BID CONTRACT #18002 -- PURCHASE AND DELIVERY OF JANITORIAL SUPPLIES

WHEREAS, on February 13, 2018 a two-year contract for the Purchase and Delivery of Janitorial Supplies was awarded to various vendors; and

WHEREAS, All American Poly, the successful bidder for Item #72 and Item #73 has notified the Township they are unable to fulfill their obligation and requests to rescind their bid in its entirety; and

WHEREAS, it is the recommendation of the Purchasing Agent to accept All American Poly request to rescind their bid in its entirety; and

WHEREAS, the Purchasing Agent recommends award of Item #72 to the next low bidder, Interboro Packaging Corp, at \$13.48 per case (50 bags/case); and

WHEREAS, the Purchasing Agent recommends award of Item #73 to the next low bidder, General Linen & Paper at \$30.99 per case (100 bags/case); and

NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the Township hereby accepts All American Poly, 40 Turner Place, Piscataway, N.J. request to rescind their bid in its entirety.
2. That Item #72 - 38 x 60 Black UV Stabilized H.D., is hereby awarded to Interboro Packaging Corp, 114 Bracken Road, Montgomery, N.Y. 12549 at \$13.48 per case/ (50 bags per case).
3. That Item #73 - 22 x 16 x 58 Black UV Stabilized SHD; is hereby awarded to General Linen and Paper, 2104 Bridge Avenue, Point Pleasant, N.J. 08742 at \$30.99 per case (100 bags per case).
4. That all other terms and conditions of the original bid remain as awarded.
5. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the Office of the Township Clerk during normal business hours.
6. That a copy of this resolution shall be forwarded to All American Poly, Interboro Packaging Corp, General Linen and Paper, Business Administrator, Director of Public Works, Recreation Director, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

Agenda #	Date
4-8	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Change Order Resolution No. 1 - Final

WHEREAS, it has come to the attention of the governing body of the Township of Brick that a Change Order representing as built quantity adjustment is needed to successfully complete the **2015-2016 Curb and Sidewalk Replacement & Construction, Various Location Project, Ordinance #11-15**; and

WHEREAS, in accordance with N.J.S.A. 5:30 14.4, the Business Administrator has recommended that Change Order No. 1 - Final be authorized and that the contract issued to **A-Team Concrete Inc., 104 George Street, South River, N.J. 08832** be decreased by \$1,082.07 and the contract be commensurately decreased from \$570,000.00 to \$568,917.93.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That Change Order No. 1-Final is hereby authorized as stated above.
2. That a certified copy of this resolution shall be forwarded to A-Team Concrete, Business Administrator, Township Engineer, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-9	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, on January 1, 2018 the Township Council appointed contracts to various firms for the Municipal, Conflict and Alternate Prosecutor Pools; and

WHEREAS, from time to time, there may be a need for another attorney from the law firm to appear on his behalf due to scheduling conflicts, illnesses or vacation time; and

WHEREAS, it is the desire of the Governing Body to appoint Suzanne Brennan, Esq. of Firm of Grace, Marmero & Associates, LLP, to the Alternate Prosecutor Pool.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY as follows:

1. That Suzanne Brennan, Esq. of the Firm of Grace, Marmero & Associates, LLP, shall be added to the Alternate Prosecutor Pool at a rate of \$600.00 per court session.
2. That all other terms and conditions of the contract shall remain the same.
3. That a notice of this action shall be printed once in the official newspaper of the Township of Brick.
4. That a certified copy of this Resolution shall be provided to Grace, Marmero & Associates, Business Administrator, Chief Financial Officer, Municipal Court Administrator and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	5
4-10	7/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY DENYING APPLICATION SUBMITTED BY ROBINSON'S GARAGE FOR A MOTOR VEHICLES SALES LICENSE

WHEREAS, the Township has received an application from PMA Motors, Inc., t/a Robinson's Garage, 289 Drum Point Road, Block 323, Lot 7.01, for the issuance of a motor vehicle sales license; and

WHEREAS, the Township Code, Chapter 466, governs the licensing procedures for sellers of motor vehicles; and

WHEREAS, the Township Code, Section 466-5, establishes standards for the qualifications of a licensee that the Township Council shall consider and review when determining whether to grant or to deny an application for a motor vehicle sales license; and

WHEREAS, Section 466-5 includes as factors in the review the applicant's compliance with zoning ordinances, the uniform construct code and the general laws and codes of the State of New Jersey, among other factors; and

WHEREAS, the owners of Robinson's Garage have refused, despite repeated demands by the Township, to address problems with the existing site conditions and numerous violations on the site, for years;

WHEREAS, upon review of the factors set forth in Section 466-5, and the recommendation of municipal officials and the Township Attorney, the Township Council has determined that the application submitted by Robinson's Garage for a motor vehicle sales license should be denied for the repeated and continuous failures of the owners to address the problems with the existing site conditions and numerous violations on the site.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY as follows:

1. The application submitted by PMA Motors, Inc., t/a Robinson's Garage, 289 Drum Point Road, Block 323, Lot 7.01, for the issuance of a motor vehicle sales license, is hereby denied, based on the repeated and continuous failures of the owners to address the problems with the existing site conditions and numerous violations on the site.
2. A certified true copy of this Resolution shall be furnished to PMA Motors, t/a Robinson's Garage, and to its owners.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council held on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Township this 8th day of May, 2018.

Agenda #	Date
4-11	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Township of Brick wishes to promote and enhance the healthy and wholesome environment of its events by ensuring safe enjoyment of these events by all individuals, especially children, by prohibiting smoking at Windward Beach and Township Parks during such events; and

WHEREAS, the Township Council of the Township of Brick therefore desires to prohibit smoking during Township Events such as the SummerFest Concert Events, Kids Night Out, Movies in the Park, Fall Fest and the Farmer's Market; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, as follows:

1. That there shall be no smoking at Windward Beach or Township Parks during the 2018 event series including but not limited to SummerFest Concert Events, Kids Night Out, Movies in the Park, Fall Fest and the Farmer's Market; and
2. That the Business Administrator, Recreation Director or Chief of Police may at their discretion may prohibit smoking when it is deemed necessary to ensure the safe enjoyment of such event; and
3. The Township Clerk is hereby directed and authorized to send copies of this resolution to the Business Administrator, Chief of Police and the Recreation Director.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-12	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

RESOLUTION FOR THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE CERTIFICATION OF THE DIRECTOR OF PUBLIC WORKS CONCERNING ADDITIONAL COSTS INCURRED IN THE REMOVAL OF DEBRIS AND CLEANING UP OF THE PROPERTY LOCATED AT MULTIPLE BLOCKS/LOTS AND AUTHORIZING THE PLACEMENT OF A LIEN AGAINST SAID PROPERTIES FOR SAID COSTS.

WHEREAS, in accordance with the provisions of N.J.S.A. 40:65-12 and Chapter 331, specifically Section 331-5 through 331-9, of the Township Code of the Township of Brick, the Township of Brick removed debris and cleaned up the property located at

404 Old Silverton Road – Block 548/Lot 13.01 - \$705.02

after duly-giving notice to the property owner of said property pursuant to Chapter 56; and

WHEREAS, the Director of Public Works has certified the costs incurred by the Township due to a house fire

WHEREAS, the total additional costs incurred by the Township to board up two doors, one vent, seven windows, paint boards and secure fence opening on the property, as certified by the Director of Public Works, are

404 Old Silverton Road – Block 548/Lot 13.01 - \$705.02

WHEREAS, Chapter 331 of the Township Code, in accordance with N.J.S.A. 40:65-12, et seq. authorizes the governing body to have a lien placed against the subject property for the costs incurred by the Township to board up two doors, one vent, seven windows, paint boards and secure fence opening on the subject premises, together with interest at the same rate as other taxes as set forth in N.J.S.A. 40:48-2.14.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, as follows:

1. That the Mayor and Township Council do hereby formally accept and approve the certification submitted by the Director of Public Works to board up two doors, one vent, seven windows, paint boards and secure fence opening on the property located at:

404 Old Silverton Road – Block 548/Lot 13.01 - \$705.02

2. That the Mayor and Township Council do hereby direct the Tax Collector to place an assessment against the subject property in accordance with this resolution.
3. That a copy of the certified costs incurred by the Township to board of two doors, one vent, seven windows, paint boards and secure fence opening on the property, together with of the a copy of the resolution, shall be forwarded to the owner of the property by certified mail.
4. That a certified copy of this resolution be forwarded to the Tax Collector, Code Enforcement Officer and to the Construction Official.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

Agenda # 4-13	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, PC Richard and Son has applied for a special event permit to conduct a Tent Sale on June 4-20, 2018 in accordance with Chapter 393 of the Code of the Township of Brick; and

WHEREAS, the Municipal Clerk has requested, and received, a report from the various departments on the effect of the special event and the recommendations are incorporated herein; and

WHEREAS, the Mayor and Council desire to approve PC Richard and Son's request for special event application to conduct a Tent Sale at 550 Route 70 from June 4-20, 2018 with the conditions and restrictions detailed below.

BE IT RESOLVED, by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, as follows:

SECTION 1. That PC Richard and Son's request for special event application to conduct a Tent Sale on June 4-20, 2018 between the hours of 9:30 am and 9:30 pm, is approved with the conditions and restrictions as follows:

- 1) All fire lanes and fire access and areas and store exits must remain open and accessible at all times and all occupancy loads for the tenant space, if utilized, be maintained. No obstruction of the pedestrian crosswalk/sidewalk access shall be permitted.
- 2) A tent permit must be obtained from the Brick Township Bureau of Fire Safety.
- 3) Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
- 4) Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police, the Township Planner and PC Richard and Son.

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

Agenda #	Date
4-14	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

RESOLUTION

WHEREAS, Neil Zirin, 34 Lanes Mill Road, Brick, NJ 08724 has applied for a special event permit to conduct a Soldiers Not Forgotten Live Concert Event on Sunday, July 22, 2018 in accordance with Chapter 393 of the Code of the Township of Brick; and

WHEREAS, the Township Clerk has requested, and received, a report from the various departments on the effect of the special event and the recommendations are incorporated herein; and

WHEREAS, the Mayor and Council desire to approve Neil Zirin's request for special event application to conduct a Soldiers Not Forgotten Event on Sunday, July 22, 2018 with the conditions and restrictions detailed below.

BE IT RESOLVED, by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Neil Zirin's request for special event application to conduct a Soldiers Not Forgotten Event on Sunday, July 22, 2018 between the hours of 2:00 pm and 6:00 pm at Antyime Fitness, 34 Lanes Mill Road with the conditions and restrictions as follows:

1. All fire lanes shall remain open and accessible at all times.
2. All electric to be from building, properly utilized and secured from tripping hazards unless a permit is obtained for portable generator use.
3. Event area must be coned or barricaded off to prevent vehicles from driving through that area.
4. Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
5. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police, the Township Planner and Neil Zirin.

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda # 4-15	Date 5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Sprint United Management Co., PO Box 7977, Shawnee Mission, KS 66207 had posted Safeco Insurance Company of America Performance Bond Number 6282602 in the amount of \$24,451.87 and a cash performance bond in the amount of \$2,723.89 to guarantee certain site improvements to Block 378.45 Lot: 2 (BA-2133, Hooper Avenue) within the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated April 18, 2018 has advised that the improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer is recommending that the posted Safeco Insurance Company of America Performance Bond Number 6282602 in the amount of \$24,451.87 and a cash performance bond in the amount of \$2,723.89 (plus interest if applicable) be returned to the applicant; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, as follows:

1. That posted Safeco Insurance Company of America Performance Bond Number 6282602 in the amount of \$24,451.87 and a cash performance bond in the amount of \$2,723.89 (plus interest if applicable) be returned to the applicant; and
2. That certified copies of this resolution be forwarded to:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-16a	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Comcast Cable Communications, LLC, One Comcast Center, Philadelphia, PA 19103 had posted a cash bond in the amount of \$6,653.63 to guarantee certain site improvements to Block 1212, Lot 1 (Burnt Tavern Road BA-2695) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated April 30, 2018 has advised that the improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the cash performance bond in the amount of \$6,653.63 (plus interest if applicable) and the \$25.02 remaining in the engineering inspection fund be returned to the applicant; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, as follows:

1. That the cash performance bond in the amount of \$6,653.63 (plus interest if applicable) and the \$25.02 remaining in the engineering inspection fund be returned to the applicant.
2. That the Township Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-166	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 26, 2018 that there is \$120.66 remaining in the engineering inspection fund from Lions Head Association North, 200 Courtshire Drive, Brick, NJ for Block 383.27 Lot 40 (200 Courtshire Boulevard) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer has advised that all the required improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the \$120.66 remaining in the engineering inspection fund be returned to the applicant; and

WHEREAS, the Township Council is satisfied with the recommendations of the Assistant Township Engineer.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the \$120.66 remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
 - a. Chief Finance Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-16c	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 26, 2018 that there is \$393.63 remaining in the engineering inspection fund from Alan J. Cornblatt, 44 Princeton Avenue, Brick, NJ for Block 867 Lot 9 (44 Princeton Avenue) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer has advised that all the required improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the \$393.63 remaining in the engineering inspection fund be returned to the applicant; and

WHEREAS, the Township Council is satisfied with the recommendations of the Assistant Township Engineer.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the \$393.63 remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
 - a. Chief Finance Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-16d	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 26, 2018 that there is \$83.20 remaining in the engineering inspection fund from Scott Geldhauser, 1852 Route 88 East, Brick, NJ 08724 for Block 868.09 Lot 30 (1852 Route 88) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer has advised that all the required improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the \$83.20 remaining in the engineering inspection fund be returned to the applicant; and

WHEREAS, the Township Council is satisfied with the recommendations of the Assistant Township Engineer.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the \$83.20 remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
 - a. Chief Finance Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-16c	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 26, 2018 that there is \$478.16 remaining in the engineering inspection fund from Unlimited Contracting, 547 Adamston Road, Brick, NJ 08723 for Block 1171.01 Lot 2.01 (1530 Route 88) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer has advised that all the required improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the \$478.16 remaining in the engineering inspection fund be returned to the applicant; and

WHEREAS, the Township Council is satisfied with the recommendations of the Assistant Township Engineer.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the \$478.16 remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
 - a. Chief Finance Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-16 f	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 26, 2018 that there is \$704.06 remaining in the engineering inspection fund from Type A Properties, LLC, 1 Grand Court, Colts Neck, NJ 07722 for Block 1352.37 Lot 7 (375 Herbertsville Road) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer has advised that all the required improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the \$704.06 remaining in the engineering inspection fund be returned to the applicant; and

WHEREAS, the Township Council is satisfied with the recommendations of the Assistant Township Engineer.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the \$704.06 remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
 - a. Chief Finance Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 8, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-16a	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2009.

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund any and all monies due the individual property owner or bank who was responsible for the overpayment.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
878.01/11/415803 4 Island Ct.	Vezzosi Joseph & Melissa	\$1,931.77

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-17a	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2010.

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund any and all monies due the individual property owner or bank who was responsible for the overpayment.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
103/3.01/101918 6 Morey Lane	Borio Sharon & Joseph	\$1,043.32

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-176	5/8/18
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO ENTER INTO A CONTRACT AT THE CONCLUSION OF THE ONLINE AUCTION FOR THE PURCHASE OF BULK ELECTRICITY AND/OR NATURAL GAS AS A COMMODITY

WHEREAS, the Township of Brick (Township) previously entered into an agreement with Concord Engineering Group, Inc., (Concord), for Energy Consulting Services for the procurement of electricity and natural gas commodities for Brick Township facilities; and

WHEREAS, Concord is an approved on-line purchasing agent with the Department of Community Affairs E-Procurement Pilot Program (authorized under P.L. 2001, c.30) for both Online Receipt of Bids and Reverse Auctions; and

WHEREAS, as a result of the volatile nature of the energy procurement process, upon the conclusion of the online auction, the Township will need to expeditiously approve and enter into a contract with the lowest responsive and responsible bidder or bidders to supply the Township with its electric and or natural gas supply needs in response to the Request for Bids (RFB) solicited by the Township; and

WHEREAS, the Township reserves the right to award a contract to a single bidder or contracts to multiple bidders, if it is deemed to be in the Township 's best interest to do so, price and other factors considered; and

WHEREAS, given the need to promptly enter into such contract upon the conclusion of the online auction, the Township desires to have its Business Administrator, upon consultation and recommendation from Concord, approve and enter into a contract with the selected vendor(s); and

WHEREAS, participation in the program is facilitated by submission of contract documentation to determine responsibility and eligibility to participate in the process prior to the date of online auction.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. That the Township hereby authorizes its Business Administrator, upon consultation with Concord, to determine the responsible bidders(s) eligible to participate in the process and, upon completion of the bid to select and enter into the contract with the responsible bidder(s) submitting the most advantageous bid(s) to the Township, price and other factors considered.
2. That the determination will be subject to the condition that the Township will not proceed with any bidder or bidders if the bid pricing received does not result in a savings utilizing the respective utility benchmark.
3. That the Business Administrator is hereby authorized and directed to execute any documents necessary to carry out the purpose of the Resolution.
4. That all Resolutions and parts of Resolutions inconsistent herewith are hereby repealed.
5. That if any portion of this Resolution shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
6. That This Resolution shall be effective immediately upon adoption and publication in accordance with law.
7. That a copy of this Resolution shall be forwarded to Concord Engineering Group, Business Administration, Chief Financial Officer, and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 8th day of May, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 8th day of May, 2018.

Agenda # 4-18	Date 5/8/18
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

**TOWNSHIP OF BRICK
OCEAN COUNTY, STATE OF NEW JERSEY**

ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$1,145,643 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,088,361 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$1,145,643, said sum being inclusive of a down payment in the amount of \$57,282 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

SECTION 2. For the financing of said improvements described in Section 3 hereof and to meet the part of said \$1,145,643 appropriation not provided for by application hereunder of said \$57,282 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$1,088,361 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$1,088,361 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition and installation, as applicable, of various items of motorized and non-motorized equipment for various Township Departments, including, but not limited to, the Department of Public Works, the Police Department, the Assessor's Office, the Department of Engineering, Department of Inspections and Department of Recreation.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$1,088,361.

(d) The estimated cost of said improvements and purposes is \$1,145,643, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$57,282 available for such improvements and purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Ocean. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

Agenda #	and shall
5-1	5/8/18
Agenda #	Date

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,088,361, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$171,846.45 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue

Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,088,361. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 8th day of May, 2018, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 22nd day of May, 2018 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

TOWNSHIP OF BRICK
OCEAN COUNTY, STATE OF NEW JERSEY

ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$774,600 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$735,870 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$774,600, said sum being inclusive of a down payment in the amount of \$38,730 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

SECTION 2. For the financing of said improvements described in Section 3 hereof and to meet the part of said \$774,600 appropriation not provided for by application hereunder of said \$38,730 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$735,870 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$735,870 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition and installation, as applicable, of various items of data processing and technology equipment for various departments within the Township.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$735,870.

(d) The estimated cost of said improvements and purposes is \$774,600, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$38,730 available for such improvements and purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Ocean. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

Agenda #	Date
5-2	5/8/18
Agenda #	Date

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is seven (7) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$735,870, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$116,190 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized

herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$735,870. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 8th day of May, 2018, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 22nd day of May, 2018 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

TOWNSHIP OF BRICK
OCEAN COUNTY, STATE OF NEW JERSEY

ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$4,522,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,296,375 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$4,522,500, said sum being inclusive of a down payment in the amount of \$226,125 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

SECTION 2. For the financing of said improvements described in Section 3 hereof and to meet the part of said \$4,522,500 appropriation not provided for by application hereunder of said \$226,125 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$4,296,375 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$4,296,375 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for various Class B roadway improvements at various locations throughout the Township, including, but not limited to, milling, paving, striping, curbs, aprons, ADA walkways, and driveways and the acquisition and installation, as applicable, of various items of police equipment.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$4,296,375.

(d) The estimated cost of said improvements and purposes is \$4,522,500, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$226,125 available for such improvements and purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Ocean. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

Agenda #	5-3	Date	5/8/18
Agenda #		Date	

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$4,296,375, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$933,125 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes

described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$4,296,375. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 8th day of May, 2018, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 22nd day of May, 2018 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

TOWNSHIP OF BRICK
OCEAN COUNTY, STATE OF NEW JERSEY

ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$2,057,257 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,954,394 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$2,057,257, said sum being inclusive of a down payment in the amount of \$102,863 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

SECTION 2. For the financing of said improvements described in Section 3 hereof and to meet the part of said \$2,057,257 appropriation not provided for by application hereunder of said \$102,863 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$1,954,394 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$1,954,394 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for various Class B buildings and grounds improvements, drainage and dredging improvements, and recreational park improvements to existing parks and beaches at various locations throughout the Township.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$1,954,394.

(d) The estimated cost of said improvements and purposes is \$2,057,257, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$102,863 available for such improvements and purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Ocean. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

Agenda #	54	Date	5/8/18
Agenda #		Date	

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,954,394, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$800,177.10 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue

Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,954,394. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 8th day of May, 2018, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 22nd day of May, 2018 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING THE TOWNSHIP CODE OF THE
TOWNSHIP OF BRICK, TO REPEAL CHAPTER 329,
ENTITLED "PROPERTY FORECLOSURES," IN ITS
ENTIRETY, AND TO REPLACE IT WITH CHAPTER 329,
TO BE ENTITLED "REGISTRATION OF DEFAULTED
MORTGAGE AND VACANT PROPERTY"

WHEREAS, the Township Council desires to protect the public health, safety, and welfare of the citizens of the Township of Brick and to maintain a high quality of life for its citizens through the maintenance of structures and properties in the Township; and

WHEREAS, the Township Council recognizes properties with defaulted mortgages and subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the Township can lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Township Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Township Council recognizes that it is in the best interest of the public health, safety, and welfare to adopt a more regulated method to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Township Council desires to protect neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of the Township's residents to impose registration requirements of Registrable Property located within the Township to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

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

SECTION 1. Chapter 329 of the Township Code of the Township of Brick entitled "Property Foreclosures" is hereby deleted in its entirety, and shall be replaced with the new provisions set forth in this Ordinance.

SECTION 2. A new Chapter 329 is hereby adopted and shall be entitled "Registration of Defaulted Mortgage and Vacant Property," and shall read as follows:

CHAPTER 329. REGISTRATION OF DEFAULTED MORTGAGE AND VACANT PROPERTY

§ 329-1. Purpose and Intent.

It is the purpose and intent of the Township Council to establish a process to address the deterioration, crime, and decline in value of Township neighborhoods caused by property with defaulted mortgages located within the Township, and to identify, regulate, limit and reduce the number of these properties located within the Township. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Township Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of

Revised

Agenda #	5	Date	5/8/18
Agenda #		Date	

properties that are in Default or Defaulted, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

§ 329-2. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Township to enforce the applicable code(s).

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

Foreclosure or Foreclosure Action shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

Owner shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

Property Manager shall mean any in-state party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter. The in-state property manager shall be capable of receiving notices issued for violations of Township codes or summons to appear in court, unless a different in-state individual has been identified for that purpose.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Township limits.

Registrable Property shall mean:

- (a) Any Real Property located in the Township, whether vacant or occupied, that is encumbered by a mortgage in Default, is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time

as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed and any Default on the mortgage has been cured; or

(b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.

a. Exception: If an owner can demonstrate that the vacant property has historically been used as a part-time residence, as a seasonal home, or as a rental unit the property registration is not required based on vacancy. If the property remains vacant for 180 days registration is required.

Registry shall mean a web-based electronic database of searchable Real Property records, used by the Township to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

Semi-Annual Registration shall mean six (6) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Township codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any parcel of land in the Township that contains any building or structure that is not lawfully occupied.

§ 329-3. Applicability and Jurisdiction.

This Chapter applies to Defaulted and Vacant property within the Township.

§ 329-4. Establishment of a Registry.

Pursuant to the provisions of Section 329-2, the Township, or its designee, shall establish a registry cataloging each Registrable Property within the Township, containing the information required by this Chapter.

§ 329-5. Inspection and Registration of Defaulted Mortgage.

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Township shall perform an inspection of the property upon it being in Default or Defaulted by the mortgagor or prior to the issuance of a notice of Default.
- (b) Property inspected pursuant to subsection (a) above that remains in Default or Defaulted, shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee declares its mortgage to be in Default or Defaulted, the Mortgagee shall register the Real Property with the Township Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain and secure the Real Property subject to the mortgage in Default or Defaulted. A separate registration is required for each Defaulted Property.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the In-state Property Manager and said person's address, e-mail address, and telephone number. The said person's address shall not be limited to a post office box, but shall specify a physical location where such In-state Property Manager may be found during normal business hours.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Defaulted Property. Subsequent Semi-Annual Registrations of Defaulted properties and

fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

- (f) Each individual property on the Registry that has been registered prior to the Effective Date shall have thirty (30) days to register and pay the five hundred dollars (\$500.00) Semi-Annual Registration fee.
- (g) If the Defaulted mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Defaulted Property.
- (h) If the Mortgagee sells or transfers the Defaulted Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Defaulted Property.
- (i) If the Defaulted Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day-period (30), or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent transferees, Owners and Mortgagees of the Defaulted Property.
- (j) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (k) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Defaulted.
- (l) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.
- (m) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

- (n) Properties registered as a result of this section are not required to be registered again pursuant to the Real Property that is not subject to a mortgage in Default section.

§ 329-6. Inspection and Registration of Real Property That is Not Subject to a Mortgage in Default.

- (a) Any Owner of Vacant property located within the Township shall, within ten (10) days after the property becomes Vacant, or within ten (10) days after assuming ownership of the property, whichever is later, register the Real Property with the Township Registry.
- (b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the In-state Property Manager and said person's address, e-mail address, and telephone number. The said person's address shall not be limited to a post office box, but shall specify a physical location where such In-state Property Manager may be found during normal business hours.
- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. Subsequent Semi-Annual Registrations of Vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the five hundred dollars (\$500.00) Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the original registration date and shall pay the five hundred dollars (\$500.00).
- (e) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (f) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.
- (g) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (h) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.

- (i) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (j) Properties registered as a result of this section are not required to be registered again pursuant to the Defaulted mortgage property section.

§ 329-7. Maintenance Requirements.

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings. All Trimmings and cuttings must be removed immediately. Any vegetation waste onsite after three days will be considered the accumulation of rubbish which is subject to penalties.
- (f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Township. Pursuant to a finding and determination by the Township Sheriff, Magistrate or a court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Township.
- (i) Dispose of tin cans, plastic containers, ceramic pots or similar water-holding containers that have accumulated on your property to reduce mosquito breeding.

§ 329-8. Security Requirements.

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Township.
- (e) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Township. The Township may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

§ 329-9. Supplemental Provisions.

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Township from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

§ 329-10. Public Nuisance.

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Township.

§ 329-11. Additional Authority.

- (a) If the Code Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Township Council or municipal court as soon as possible to address the conditions of the property. Nothing herein shall limit the Township from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Police Chief, Code Enforcement Officer, Township Council or municipal court shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Police Chief, Code Enforcement, Township Council or municipal court may direct the Township to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the Police Chief, Code Enforcement officer, Township Council or municipal court, within

thirty (30) days of the Township sending the Mortgagee or Owner the invoice then the Township may lien the property with such cost, along with an administrative fee as determined in the Township's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Township may pursue financial penalties against the Mortgagee or Owner.

- (e) The Township may contract with an entity to implement this Chapter, and, if so, any reference to the Code Enforcement Officer herein shall include the entity the Township contracts with for that purpose.

§ 329-12. Opposing, Obstructing Enforcement Officer; Penalty.

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

§ 329-13. Immunity of Enforcement Officer.

Any Enforcement Officer or any person authorized by the Township to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

§ 329-14. Penalties.

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

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 Council on first reading at a meeting of the Township Council of the Township of Brick held on the 8th day of May, 2018, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 22nd day of May, 2018 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, 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.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR