

Brick Township Council
April 28, 2020
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 7, 2020. 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 Reports of Municipal Officers.
 - d. Approve Minutes of March 24th Meeting.
4. Municipal Budget Hearing:
 - ___1. Authorize Reading of Budget by Title Only.
 - ___2. Motion to Open Public Hearing on Budget.
 - ___3. Motion to Close Public Hearing on Budget.
 - ___4. Authorize State Required Budget Amendment Resolution.
 - ___5. Adoption of the 2020 Municipal Budget.

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.”

5. Resolutions:

- ___1. Authorize Purchasing Standard Policy Regarding Claimant's Certification.
- ___2. Bond Releases/Reductions:
 - a. Performance Bond Release – Hough Petroleum Corp. – Brick Blvd.
 - b. Inspection Fund Release – Perry M. Petrillo Architects – Route 88.
 - c. Inspection Fund Release – Bohler Engineering NJ, LLC – Route 88.
- ___3. Tax Collector:
 - a. State Tax Appeal Granted – Block 44.15 Lot 5 – 350 Bay Lane.
 - b. Reverse Refund for 100% DAV – Block 1192.12 Lot 44.
 - c. Rescind Resolution No. 184-20 Extension of the Grace Period.

*******End of Consent Agenda*******

- ___4. Bill Resolution – Computer 2020.
- ___5. Bill Resolution – Manual 2020.

6. Ordinance on First Reading:

- ___1. Amend Chapter 245 – Fences.

7. 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.

8. Council Comments.

9. 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 will be held on Tuesday, May 12, 2020 at 7:00 p.m.**

Subject: Brick Township Council Meeting

When: Tuesday, April 28, 2020 7:00 PM-10:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://zoom.us/j/103466701?pwd=cGtRRRTVUeIB3NlZnN2JlQk90OXd2UT09>

Brick Township is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/103466701?pwd=cGtRRRTVUeIB3NlZnN2JlQk90OXd2UT09>

Meeting ID: 103 466 701

Password: 017530

One tap mobile

+16468769923,,103466701#,,#017530# US (New York)

+13126266799,,103466701#,,#017530# US (Chicago)

Dial by your location

+1 646 876 9923 US (New York)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 103 466 701

Password: 017530

Find your local number: <https://zoom.us/u/aba3jrslpL>

RESOLUTION

WHEREAS, N.J.S.A. 40A:4-8 provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing, and at the hearing, a complete copy of the approved budget shall be made available for public inspection. [N.J.S.A. 40A:4-8].
2. Shall be made available to each person upon request.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, that it is hereby declared that the conditions of N.J.S.A. 40A:4-8 have been met and therefore the Budget for 2020 shall be read by title.

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 April 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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|----------|---------|
| Agenda # | Date |
| 4-1 | 4/28/20 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, the Local Municipal Budget for the year 2020 was approved on the 24th day of March, 2020; and,

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, the Township Council of the Township of Brick desires to amend the introduced and approved budget; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, that the following amendments to the approved 2020 budget be made:

| | FROM | TO |
|---|------------------|------------------|
| SUMMARY of CURRENT FUND SECTION of APPROVED BUDGET | | |
| General Appropriation For: | | |
| 1. Appropriations within "CAPS" | | |
| (a) Municipal Purposes {(Item H-1, Sheet 19) (N.J.S. 40A:4-45.2)} | \$82,351,353.60 | \$81,939,953.60 |
| 3. Reserve for Uncollected Taxes (Item M, Sheet 29) Based on Estimate | \$ 4,696,590.09 | \$ 4,751,590.09 |
| 4. Total General Appropriations (Item 9, Sheet 29) | \$106,031,874.63 | \$105,675,474.63 |
| 5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Misc. Revenues and Receipts from Delinquent Taxes) | \$ 29,975,574.63 | \$ 29,619,174.63 |

GENERAL REVENUES

| | | |
|----------------------------------|------------------|------------------|
| 1. Surplus Anticipated | \$ 11,337,873.01 | \$ 11,931,473.01 |
| Total Surplus Anticipated | \$ 11,337,873.01 | \$ 11,931,473.01 |

3. Miscellaneous Revenues - Section A: Local Revenues

| | | |
|---------------------------------------|-----------------|-----------------|
| Fees and Permits | \$ 455,000.00 | \$ 385,000.00 |
| Fines and Costs: | | |
| Municipal Court | \$ 560,000.00 | \$ 460,000.00 |
| Interest and Costs on Taxes | \$ 485,000.00 | \$ 405,000.00 |
| Interest on Investments and Deposits | \$ 800,000.00 | \$ 650,000.00 |
| Beach Privileges | \$ 450,000.00 | \$ 300,000.00 |
| Total Section A: Local Revenue | \$ 2,870,000.00 | \$ 2,320,000.00 |

3. Miscellaneous Revenues - Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations (N.J.S.A. 40A:4-36 and N.J.A.C. 5:23-4.17)

| | | |
|---|-----------------|-----------------|
| Uniform Construction Code Fees | \$ 2,400,000.00 | \$ 2,000,000.00 |
| Total Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations | \$ 2,400,000.00 | \$ 2,000,000.00 |

SUMMARY OF REVENUES

| | | |
|-------------------------------|------------------|------------------|
| 1. Surplus Anticipated | \$ 11,337,873.01 | \$ 11,931,473.01 |
|-------------------------------|------------------|------------------|

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| Agenda # | 4/28/20 |
| 4-4 | |
| Agenda # | Date |
| Agenda # | Date |
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3. Miscellaneous Revenues:

| | | |
|---|-------------------------|-------------------------|
| Total Section A: Local Revenues | \$ 2,870,000.00 | \$ 2,320,000.00 |
| Total Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations | \$ 2,400,000.00 | \$ 2,000,000.00 |
| Total Miscellaneous Revenues | \$ 16,137,701.62 | \$ 15,187,701.62 |
| 5. Subtotal General Revenues (Items 1,2,3 & 4) | \$ 29,975,574.63 | \$ 29,619,174.63 |
| 7. Total General Revenues | <u>\$106,031,874.63</u> | <u>\$105,675,474.63</u> |

GENERAL APPROPRIATIONS

(A) Operations - within "CAPS"

| | | |
|--|------------------|------------------|
| Police S/W | \$ 20,670,000.00 | \$ 20,200,000.00 |
| EMT Services | \$ 592,090.68 | \$ 650,690.68 |
| Total Operations {Item 8(A)} within "CAPS" | \$ 71,361,422.68 | \$ 70,950,022.68 |
| Total Operations Including Contingent within "CAPS" | \$ 71,361,422.68 | \$ 70,950,022.68 |
| Detail: | | |
| Salary and Wages | \$ 41,111,770.68 | \$ 40,700,370.68 |

(L) Subtotal General Appropriations

| | | |
|--|------------------|------------------|
| {Items (H-1) and (O)} | \$101,335,284.54 | \$100,923,884.54 |
| (M) Reserve for Uncollected Taxes | \$ 4,696,590.09 | \$ 4,751,590.09 |
| 9. Total General Appropriations | \$106,031,874.63 | \$105,675,474.63 |

SUMMARY OF APPROPRIATIONS

| | | |
|--|-------------------------|-------------------------|
| (H-1) Total General Appropriations for Municipal Purposes within "CAPS" | \$ 82,351,353.60 | \$ 81,939,953.60 |
| (M) Reserve for Uncollected Taxes | \$ 4,696,590.09 | \$ 4,751,590.09 |
| Total General Appropriations | <u>\$106,031,874.63</u> | <u>\$105,675,474.63</u> |

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the 2020 budget so amended.

BE IT FURTHER RESOLVED, that a copy this resolution be forwarded to the following:

1. Business Administrator
2. Chief Financial Officer
3. 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 April 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 75,056,300.00 – (Item 2 below) for municipal purposes, and
- (d) \$ 1,037,918.33 – Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

RECORDED VOTE:

AYES:

NAYS:

SUMMARY OF REVENUES

| | | |
|---|------------------------------------|--------------------------|
| 1 | GENERAL REVENUES: | |
| | Surplus Anticipated | \$ 11,931,473.01 |
| | Miscellaneous Revenues Anticipated | \$ 15,187,701.62 |
| | Receipts from Delinquent Taxes | \$ 2,500,000.00 |
| AMOUNT to be RAISED for TAXATION for MUNICIPAL PURPOSES: | | |
| 2 | (Item 6(a), Sheet 11) | \$ 76,056,300.00 |
| TOTAL REVENUES | | \$ 105,675,474.63 |

SUMMARY OF APPROPRIATIONS

| | | |
|-----------------------------|---|--------------------------|
| 5 | GENERAL APPROPRIATIONS: | |
| | Within "CAPS" | |
| | (a & b) Operations Including Contingent | \$ 70,950,022.68 |
| | (e) Deferred Charges and Statutory Expenditures - Municipal | \$ 10,989,930.92 |
| | (g) Cash Deficit | \$ - |
| | Excluded from "CAPS" | |
| | (a) Operations - Total Operations Excluded from "CAPS" | \$ 2,872,969.27 |
| | (c) Capital Improvements | \$ 425,000.00 |
| | (d) Municipal Debt Service | \$ 15,685,961.67 |
| | (e) Deferred Charges - Municipal | \$ - |
| | (f) Judgements | \$ - |
| | (n) Transferred to Board of Education | \$ - |
| | (g) Cash Deficit | \$ - |
| | (m) Reserve for Uncollected Taxes | \$ 4,751,590.09 |
| TOTAL APPROPRIATIONS | | \$ 105,675,474.63 |

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| Agenda # 4-5 | Date 4/28/20 |
| Agenda # | Date |
| Agenda # | Date |
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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 April 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

RESOLUTION ESTABLISHING POLICIES AND PROCEDURE FOR THE PAYMENT OF CLAIMS, CLAIMANT'S SIGNATURE FOR PAYMENT PURSUANT TO N.J.S.A. 40A:5-16, N.J.A.C. 5:30-9A.6 AND N.J.A.C. 5:31-4.1

WHEREAS, N.J.S.A. 40A:5-16 requires that the governing body of any local unit shall not pay out of its monies unless:

- (a) The person claiming or receiving payment first presents a detailed bill of items or demand, specifying particularly how the bill or demand is made up (the invoice), with the certification of the party claiming payment that it is correct (the claimant certification).
- (b) The payment carries a written or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit (certification of the user department); and

WHEREAS, N.J.A.C. 5:30-9A.6(a) and N.J.A.C. 5:31-4.1 clarify that the certification may be executed by a vendor or claimant by signature stamp, facsimile signature, or by electronic signature in addition to the "wet" signature; and

WHEREAS, P.L. 2015, c.177 amends N.J.S.A. 40A:5-16 to state that claimant certification shall not be required for utility services regulated by the Board of Public Utilities; and

WHEREAS, on August 18, 2016 the State of New Jersey legislature adopted P.L. 2016, c.29, which would allow local units to a) utilize standard electronic funds transfer (EFT) technologies and b) have greater flexibility when implementing the claimant certification requirement set forth in N.J.S.A. 40A:5-16; and

WHEREAS, N.J.A.C. 5:30-9A.6 and N.J.A.C. 5:31-4.1, and Local Finance Notice 2018-13 give local units discretion to not require claimant certification by enacting a standard policy by resolution for vendors or claimants who do not provide such certification as part of its normal course of business; and

WHEREAS, generally some vendors do not provide such certification as part of the normal course of business which has created unnecessary delay in processing claims for payment; and

WHEREAS, the Chief Financial Officer has determined that the following circumstances be applied with respect to this act – vendor signature shall not be required for:

- Refunds
- Debt Service
- Vendors who are paid through EFT technologies
- Vendors who do not provide certifications as part of the normal course of business
- Utilities regulated by the Board of Public Utilities
- Payment obligations to the State or to Federal governments
- Educational courses
- Membership in a non-profit organization
- Registration for a conference or convention sponsored by a nonprofit organization
- Website hosting, including registration and maintenance of a domain name

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 Business Administrator and Chief Financial Officer recommend the adoption of the Claimant Signature Policy.
2. That pursuant to N.J.A.C. 5:30-9A.6 and N.J.A.C. 5:31-4.1 the Township exercises its discretion to not require claimant certifications for the following:
 - Refunds
 - Debt Service
 - Vendors who are paid through EFT technologies

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| Agenda # | 4/28/20 |
| 5-1 | |
| Agenda # | Date |
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- Vendors who do not provide certifications as part of the normal course of business
 - Utilities regulated by the Board of Public Utilities
 - Payment obligations to the State or to Federal governments
 - Educational courses
 - Membership in a non-profit organization
 - Registration for a conference or convention sponsored by a nonprofit organization
 - Website hosting, including registration and maintenance of a domain name
3. That the above vendor claimant circumstances recommended by the Chief Financial Officer be enacted effective immediately and be applied retroactively to any purchase order issued on or after August 18, 2016.
 4. That a certified copy of this resolution shall be provided to the Business Administrator, 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 hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on 28th day of April, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, Hough Petroleum Corp., 340 4th Street, Ewing, NJ 08638 had posted a cash bond in the amount of \$10,136.65 to guarantee site improvements to Block 381 Lot 7 (Ocean Auto Tech, 175 Brick Boulevard, BA-3009) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated April 16, 2020 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 \$10,136.65 (plus interest if applicable) plus the \$15.14 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 \$10,136.65 (plus interest if applicable) along with the \$15.14 remaining in the engineering inspection fund be returned to the applicant.
2. That the Municipal 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 April 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

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| Agenda # | 4/Date |
| 5-2a | 4/28/20 |
| Agenda # | Date |
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| Agenda # | Date |
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| Agenda # | Date |
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RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 9, 2020 that there is \$776.32 remaining in the engineering inspection fund from Perry M. Petrillo Architects, PC, 9 Park Avenue, Park Ridge, NJ 07656 for Block 868 Lot 12.01 (Walmart, 1872 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 \$776.32 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 \$776.32 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 April 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

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|----------|---------|
| Agenda # | Date |
| 5-2b | 4/28/20 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 9, 2020 that there is \$806.72 remaining in the engineering inspection fund from Bohler Engineering NJ, LLC, 35 Technology Drive, Warren, NJ 07059 for Block 868 Lot 12.01 (Walmart, 1872 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 \$806.72 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 \$806.72 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 April 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

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|----------|---------|
| Agenda # | Date |
| 5-2c | 4/28/20 |
| 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 is an overpayment for the year 2019 on Block 44.13, Lot 5, Account #100823, due to a State Appeal being granted reducing the assessment to 1,050,000.

WHEREAS, refund is to be issued as per the statement below.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund the amount below.

| <u>Block/Lot/Account #</u> | <u>Name</u> | <u>Amount</u> |
|--------------------------------|---------------------|---------------|
| 44.13/5/100823 350 Bay Lane | Jennifer R. Jacobus | \$3,071.23 |

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 April 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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|-------------|----------------|
| Agenda # | <i>4/28/20</i> |
| <i>5-3a</i> | |
| 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 100% DAV exemption had been granted on Block 1192.12 Lot 4 Account # 621377 as of 5-14-2019 - Resolution #82-20.

WHEREAS, the Veteran's Administration has advised us that his disability was erroneously calculated, we are reversing the cancellation of taxes and are being reimbursed for the previously issued refund.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to reinstate taxes from 5-14-2019 and forward.

| <u>Block/Lot/Account #</u> | <u>Name</u> | <u>Amount</u> |
|-------------------------------------|----------------------------|--|
| 1192.12/44/621377 96 Clay Circle | Fortenberry, Lance & Carol | \$1,363.46- 2019 <u>\$ 947.54- 2020</u> \$2,311.00 |

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 this 28th day of April, 2020

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

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|------------------|-----------------|
| Agenda # 5-3b | Date 4/28/20 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, on April 14, 2020, the Township Council unanimously adopted a Resolution No. 184-20 that would effectively extend the grace period to pay quarterly taxes in an effort to assist residents who were struggling financially due to the Covid-19 crisis; and

WHEREAS, this was done after similar grace periods were permitted by the State during special circumstances such as in the wake of Super Storm Sandy and for Federal workers during the furlough of 2018-2019; and

WHEREAS, after the adoption of the resolution, the State Division of Local Government Services advised all municipalities that the extension of the property tax grace period was not permitted; and

WHEREAS, the refusal by the State to allow municipalities to provide some relief in the way of several more weeks to pay their property taxes during a time when many of those residents are not earning a paycheck will hurt those who have been most financially impacted by the ongoing Covid-19 crisis.

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 Township Council rescinds the Resolution No. 184-20 from April 14, 2020 that effectively extended the grace period for payment of quarterly property taxes.
2. As per the State of New Jersey's guidance and decision, the payment of property taxes will proceed as mandated by law with the grace period of 10 days and the statutory penalties and interest in effect.
3. The Council expresses in our strongest terms our disappointment with the State's decision and their refusal to allow the Township to help residents by giving them until the end of May to pay their property taxes with no penalty.

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 of the Township of Brick at a meeting of said Township Council on April, 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of April, 2020.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

| | |
|------------------|------------------|
| Agenda # 5-3c | 4/Date /28/20 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

ORDINANCE

**ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING CHAPTER 245-33 OF THE
TOWNSHIP CODE ENTITLED "FENCES"**

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

SECTION 1. Chapter 245-33 of the Code of the Township of Brick, entitled "Fences", is hereby amended in its entirety and shall read as follows:

§ 245-33. FENCES.

- A. No fence shall be erected within the Township of Brick unless a permit for the erection of such fence shall have been obtained from the Construction Official and/or Zoning Officer in accordance with the requirements of this section. The fence permit application shall further be accompanied by an accurate survey identifying the tax lot and block upon which the proposed fence is to be located, the name and address of the applicant, the height and location of the proposed fence in relation to all property lines of the premises upon which the fence is to be located and the material and type of construction of the proposed fence. "Fence or fencing" is defined as any wood, masonry, plastic, metal, vinyl or aluminum structure(s) or any wall, constructed to shield, screen or protect a lot or portion of a lot.
- B. No fence shall be constructed under this section within the front yard setback area of any lot shall exceed four feet in height. Any such fence constructed within the front yard setback shall be of a design such as chain link, post and rail or pickets. All pickets shall be spaced at least two inches apart, and each picket shall be no more than 3 1/2 inches in width.
- C. No fence which shall be constructed under this section along any side or rear property line shall exceed six feet in height.
- D. Any fence, hedge or other vegetation which shall be constructed under this section at the corner of a corner lot shall be placed at 45° to each sideline for a distance of 10 feet back from the intersection of the fence line along both street sides of the lot and shall not create a view obstruction. In addition, any fence constructed along the street sides of a corner lot shall meet the requirements provided for in Subsection B of this section. No fence shall be erected in the public right-of-way under any circumstances.
- E. No fence to be constructed under this section shall be located less than 10 feet from the pavement or cartway of any street, whether public or private.
- F. Any fence to be constructed under this section shall be erected with the finished side facing the exterior of the lot which is being enclosed and shall be maintained in good and safe condition at all times. In addition, where a wire fence is to be constructed under this section, the unfinished or cut portion of such fence shall be installed toward the ground.
- G. The height limitations provided for in this section shall be not applicable to any fence constructed in any industrial or commercial district within the Township of Brick.
- H. Upon completion of the erection of a fence under this section, requiring a construction permit, the permittee shall notify the Construction Official of the completion of the same and shall request an inspection of the fence.
- I. Notwithstanding any provision of this section to the contrary in cases in which the applicant's lot fronts on any body of water, the applicant shall be limited to installing a fence of no greater than four feet in height for any area within 200 feet of the body of water. Any such fence constructed within 200 feet of a body of water shall be of an open design such as chain link, post and rail, or picket. All pickets shall have at least two inches of spacing between each picket and be no more than 3 1/2 inches in width.

J. Notwithstanding any provision of this section to the contrary in cases in which the applicant's lot fronts on any body of water, no hedge or other vegetation of greater than four feet in height shall be maintained within fifteen feet of a body of water. Hedges and other vegetation greater than four feet in height, and acting as a shield or screen on a lot or portion of a lot existing prior to September 1, 2010 shall be exempt from the provisions of this section.

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K. Where the applicant's lot fronts on any body of water, the property owner may install a fence of up to six feet in height between the applicant's dwelling and any adjacent dwelling, so long as there are at least six feet between the dwellings in question. Such fence may extend only from the waterward house line of the two relevant dwellings which is furthest from the water to the streetward house line of the two relevant dwellings which is furthest from the street as such lines are shown on a survey showing the corners of both the applicant's dwelling and the adjacent dwelling at issue. Where a property fronts on any body of water and is on a corner lot, the provisions of this section shall not apply to the streetward side of such lot. Nothing in this section shall alter setback or other fencing requirements as established by this Code.

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

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

SECTION 4. This ordinance shall become effective 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 28th day of April, 2020, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 26th day of May, 2020 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