

**Brick Township Council**  
**July 14, 2020**  
**Caucus/Public Meeting**  
**7:00 PM**  
**Agenda No. 1**

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).
3.
  - a. Roll Call.
  - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
  - c. Approve Minutes of June 9<sup>th</sup> Meeting.

**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. Authorize Cancellation of Grant Appropriated Reserves & Receivables.
  - \_\_\_2. Authorize Receipt of Bids – Pinewood Park Parking Lot Improvements.
  - \_\_\_3. Authorize Receipt of Bids – Snow Removal Services.
  - \_\_\_4. Authorize Receipt of Bids – Professional Medical Services.
  - \_\_\_5. Authorize Receipt of Bids – Vehicle Repair Services.
  - \_\_\_6. Authorize Receipt of Bids – Bamboo Removal Services.
  - \_\_\_7. Authorize Receipt of Bids – Purchase & Delivery of Two 33 Cubic Yard Automated Refuse Collection Vehicles.
  - \_\_\_8. Authorize Receipt of Bids – Purchase & Delivery of One Single Axle Dump Truck.
  - \_\_\_9. Authorize Award of Bid – Purchase & Delivery of Flood Control Valves.
  - \_\_\_10. Authorize Award of Bid – Janitorial Services.
  - \_\_\_11. Authorize Award of Bid – General Athletic Equipment & Supplies.
  - \_\_\_12. Authorize Award of Contract – Administration of the Affordable Housing Program.
  - \_\_\_13. Authorize Award of Contract though Educational Services Commission of NJ Cooperative Pricing System – Purchase & Delivery of Backhoe Loader.
  - \_\_\_14. Authorize Award of Contract though Educational Services Commission of NJ Cooperative Pricing System – Toro Equipment.
  - \_\_\_15. Authorize Award of Negotiated Contract – Beer & Wine Garden Concession.
  - \_\_\_16. Authorize Award of Negotiated Contract – Summerfest Food Truck Vendors.
  - \_\_\_17. Authorize Close Out Change Order No.1 – Boland Field Improvement.
  - \_\_\_18. Authorize Acceptance of Donation – Various Computer Equipment.
  - \_\_\_19. Support the County of Ocean for Open Space Acquisitions.
  - \_\_\_20. Authorize Special Events Permit – Battle at the Beach Event.
  - \_\_\_21. Tax Collector:
    - a. 100% DAV Refund & Cancel Taxes – Block 340 Lot 62.
    - b. Tax Overpayments – 2017.
    - c. Exempt Property – Cancel Taxes Block 1428 Lot 2.
- \*\*\*\*\***End of Consent Agenda**\*\*\*\*\*
- \_\_\_22. Bill Resolution – Computer 2020.
  - \_\_\_23. Bill Resolution – Manual 2020.

5. Ordinances on Second Reading:

- \_\_\_1. Authorize Acceptance of the Donation of Property – Block 210.35 Lot 19.
- \_\_\_2. Amend Chapter 245 – Fences.

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 will be held on Tuesday, July 28, 2020 at 7:00 p.m.**



Hi there,

Brick Township is inviting you to a scheduled Zoom meeting.

**Tuesday, July 14, 2020 at 7 pm**

Join Zoom Meeting

Phone US: +13017158592,,87200975043#,...0#,,237820# or

one-tap: +13126266799,,87200975043#,...0#,,237820#

Meeting <https://us02web.zoom.us/j/87200975043?pwd=K0NGMjByRkxPTWVXUTBLOTdsRGFMQT09>

URL:

Meeting 872 0097 5043

ID:

Password: 237820

**Join by Telephone**

For higher quality, dial a number based on your current location.

Dial:

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923 or +1 346 248 7799 or +1 408  
638 0968 or +1 669 900 6833 or +1 253 215 8782

Meeting 872 0097 5043

ID:

Password: 237820

**RESOLUTION**

**Authorization to Cancel Grant Appropriated Reserves and Receivables**

**WHEREAS**, certain balance sheet items remain outstanding, uncollectable, and unspent; and

**WHEREAS**, it is necessary to formally cancel said Grants Receivable and Appropriated Reserve balances which will not be received and not be expended.

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

The Grants Receivable balances as reflected below are hereby canceled:

2018 Federal Highway Safety Grant	(to Appropriated Reserves)	\$227.36
2018 Federal Highway Safety Grant	(to Fund Balance)	281.06
2018 Municipal Alliance Grant	(to Appropriated Reserves)	3,211.01
2018 Municipal Alliance Grant	(to Fund Balance)	355.63
2019 Homeland Security	(to Appropriated Reserves)	.03
		\$4,075.09

The Appropriated Reserve balances as reflected below are hereby canceled:

2018 Federal Highway Safety Grant	(to Accounts Receivable)	\$227.36
2018 Municipal Alliance Grant	(to Accounts Receivable)	3,211.01
2019 Homeland Security	(to Accounts Receivable)	.03
2019 Pump Boat	(to Fund Balance)	1,411.94
		\$4,850.34

A certified copy of this resolution is to be forwarded to the Chief Financial Officer.

**CERTIFICATION**

I, Lynnette Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the forgoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick on July 14, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14th day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-1	7/14/20
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 project:

**PINEWOOD PARK PARKING LOT IMPROVEMENTS**

**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 consulting engineer for the project, CME Associates, is hereby authorized to prepare formal 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 14<sup>th</sup> day of July, 2020.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-2	7/14/20
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:

**SNOW REMOVAL 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 services.
2. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned services.

**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 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-3	7/14/20
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 proposals 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 proposals for the above mentioned services.
2. The Division of Purchasing and Contracting is hereby authorized to prepare specifications for the above-mentioned services in accordance with P.L. 2004, Chapter 19 (Pay-to-Play).

**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 14<sup>th</sup> day of July, 2020.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK.

Agenda # 4-4	Date 7/14/20
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 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 14<sup>th</sup> day of July, 2020.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-5	7/14/20
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:

**BAMBOO REMOVAL 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 services.
2. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned services.

**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 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-6	7/14/20
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:

**PURCHASE AND DELIVERY OF  
ONE (1) SINGLE AXLE DUMP TRUCK**

**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 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-8	7/14/20
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 Purchase and Delivery of Flood Control Valves on Tuesday, June 30, 2020; and

**WHEREAS**, the bids have been reviewed by the Township Engineer; and

**WHEREAS**, the Township Engineer has recommended award of said bid to the lowest responsive and responsible bidder being in full compliance with the bid specifications.

**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 contract for Purchase and Delivery of Flood Control Valves is hereby awarded to Wapro, Inc., 150 North Michigan Avenue #1959, Chicago, IL 60601 as per the attached schedule of prices.
2. That this will be a two (2) year contract commencing on July 15, 2020 and ending on July 14, 2022.
3. That this is a unit price bid not to exceed \$200,000.00 for the contract period with funds to be certified prior to each purchase. Sufficient funds are available under Ordinance #8-20, account C-04-55-870-404.
4. That the Mayor is hereby 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.
5. That a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Township Engineer 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 14<sup>th</sup> day of July, 2020.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this the 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda # 4-9	Date 7/14/20
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 Janitorial Services on Thursday, July 2, 2020; and

**WHEREAS**, the bids have been reviewed by the Director of Public Works; and

**WHEREAS**, the Director of Public Works has recommended the award of said bid to the lowest responsive and responsible bidder being in full compliance with the bid specification.

**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 contract for Janitorial Services is hereby awarded to ACB Services, Inc., 37 Schoolhouse Road, Cream Ridge, NJ 08514 at a rate of \$88,268.00 per contract year as per the attached schedule of prices.
2. That this is a unit price bid with not to exceed amount \$100,000.00 per year; therefore, funds shall be certified prior to each order. Sufficient funds are available in 2020 budget and pending adoption of the future budgets under an appropriation entitled Buildings & Grounds – Outside Contractors, account 0-01-26-310-291.
3. That this will be a two (2) year contract commencing on August 1, 2020 and ending on July 31, 2022.
4. That the Division of Purchasing and Contracting is hereby authorized to return any and all bid securities submitted by any unsuccessful bidders pursuant to N.J.S.A. 40A:11-24.
5. That the Mayor is hereby 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 certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Director of Public Works 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 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-10	7/14/20
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 General Athletic Equipment & Supplies on Tuesday, July 7, 2020; and

**WHEREAS**, the bids have been reviewed by the Director of Recreation; and

**WHEREAS**, the Director of Recreation has recommended award of said bid to the lowest responsive and responsible bidder being in full compliance with the bid specifications.

**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 contract for General Athletic Equipment & Supplies for the catalog percentage discount is hereby awarded to the following vendors as per Attachment A:
  - BSN Sports, LLC, P.O. Box 7726, Dallas, TX 75209-0726
  - Performance Health Supply, Inc. dba Medco Supply, 25 Northpointe Parkway, Suite 25, Amherst, NY 14228
  - Riddell, 7501 Performance Lane, North Ridgeville, OH 44039
  - S&S Worldwide, 75 Mill Street, Colchester, CT 06415
  - Stadium System, 61 Church Street, Canaan, CT 06018
  - Stan's Sport Center, Inc., 528 Washington Street, Hoboken, NJ 07030
2. That this is a unit price bid, therefore, funds shall be certified prior to each order, with a total not to exceed amount of \$25,000.00. Sufficient funds are available in 2020 budget and pending adoption of the 2021 budget under appropriations entitled Recreation Rider account T-03-56-862-267.
3. That this will be a one (1) year contract commencing on July 15, 2020 and ending on July 14, 2021.
4. That the Mayor is hereby 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.
5. That a certified copy of this resolution shall be forwarded to the vendors, Business Administrator, Chief Financial Officer, Director of Recreation 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 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-11	7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., hereinafter the "Act") the Township of Brick is implementing a program to provide affordable housing units to low- and moderate-income households desiring to live within the municipality; and

**WHEREAS**, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

**WHEREAS**, Section 5:80-26.14 of the Rules provides that affordability controls shall be administered by an administrative agent acting on behalf of a municipality; and

**WHEREAS**, the Township has selected Homes Now, Inc. to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the municipality as included in this resolution; and

**WHEREAS**, the Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof; and

**WHEREAS**, such service is awarded without competitive bidding as an Extraordinary Unspecifiable Service in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law because this service is specialized and qualitative in nature requiring expertise, extensive training and proven reputation; and

**WHEREAS**, Homes Now, Inc. is a 501 (c3) Private Non-profit Corporation in accordance with IRS regulations, and exempt from the provisions of Pay to Play law (P.L. 2004, c.19, as amended by P.L. 2005, c.51), N.J.S.A. 19:44A-20.5 et seq.; and

**WHEREAS**, the Purchasing Agent has executed a certification pursuant to N.J.S.A. 40A:11-6.1(b), which said certification is attached hereto; and

**WHEREAS**, N.J.A.C. 5:34-9.5(c) requires a contracting unit to publish a notice in the official newspaper, setting forth the nature, duration, service and amount of the contract where such contract is awarded as an Extraordinary Unspecifiable Services without competitive bidding; and

**WHEREAS**, the Township of Brick wishes to enter into contract with Homes Now, Inc. to facilitate the implementation of the Township's Fair Share Plan; and

**WHEREAS**, funds are or will be available for this purpose.

**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 Homes Now, Inc. is hereby appointed by the Governing Body of Township of Brick as the Administrative Agent for the administration of the affordable housing program.
2. That the services to be provided by Homes Now, Inc. are unique and unspecifiable and meet the criteria for Extraordinary Unspecifiable Service (EUS) in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) which permits contracting units to award contracts without public advertisement and competitive bidding.

Agenda #	Date
4-12	7/17/00
Agenda #	Date
Agenda #	Date
Agenda #	Date

That the Mayor is hereby 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.

4. That this contract is for a period of one (1) year commencing on July 21, 2020.
5. That Homes Now, Inc. shall provide the required services to the Township of Brick in accordance with the executed Agreement.
6. That payments to Homes Now, Inc. shall be made quarterly in the amount of 85% of all Affordable Housing Trust Funds accumulated during the preceding calendar quarter. Sufficient funds will be available under appropriation entitled Affordable Housing Expenses, account T-03-56-860-302.
7. That Homes Now, Inc. shall provide quarterly reports to the Township summarizing the activities and providing highlights from the past quarter, in compliance with N.J.A.C. 5:97-8.1 et seq. Affordable Housing Trust Fund Spending Plan.
8. That a notice of his action shall be printed once in the official newspaper of the Township of Brick.
9. That certified copies of this resolution shall be forwarded to Homes Now, Inc., Mayor, Business Administrator, Chief Financial Officer, Affordable Housing 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 Resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 14<sup>th</sup> day of July, 2020.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION**

**AUTHORIZING AWARD OF CONTRACT THROUGH  
THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY  
COOPERATIVE PRICING SYSTEM**

**WHEREAS**, N.J.S.A. 40A:11-4 requires that every contract for the provision of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

**WHEREAS**, the Local Public Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids; and

**WHEREAS**, the Township of Brick is a party to a cooperative purchasing agreement with the Educational Services Commission of New Jersey Cooperative Pricing System, organized pursuant to N.J.S.A. 40A:11-10; and

**WHEREAS**, the Township of Brick desires to purchase Caterpillar Model: 420ST Backhoe Loader through the Educational Services Commission of NJ contract #65MCESCCPS – ESCNJ 18/19-25; and

**WHEREAS**, the Chief Financial Officer has certified to the Township Clerk that funds are available.

**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 contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-10 of the Local Public Contracts Law.
2. That the Purchasing Agent is hereby authorized to execute a purchase order to Foley Incorporated, 855 Centennial Avenue, P.O. Box 1555, Piscataway, NJ 08855 in an amount of \$114,918.28 for the purchase and delivery of Caterpillar Model: 420ST Backhoe Loader through contract #65MCESCCPS – ESCNJ 18/19-25.
3. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto. The following are the line item appropriation(s) and ordinance(s) which constitute the availability of funds for this contract:  
Ordinance #5-20 – account C-04-55-867-501 – \$114,918.28
4. That the Township Clerk shall further forward a certified copy of this resolution to vendor, Business Administrator, Chief Financial Officer, Director of Public Works 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 certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

Agenda #	Date
4-13	7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION  
AUTHORIZING AWARD OF CONTRACT THROUGH  
THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY  
COOPERATIVE PRICING SYSTEM**

**WHEREAS**, N.J.S.A. 40A:11-4 requires that every contract for the provision of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

**WHEREAS**, the Local Public Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids; and

**WHEREAS**, the Township of Brick is a party to a cooperative purchasing agreement with the Educational Services Commission of New Jersey Cooperative Pricing System, organized pursuant to N.J.S.A. 40A:11-10; and

**WHEREAS**, the Township of Brick desires to purchase two (2) Toro Groundsmasters 7210 and one (1) Sand Pro 3040 through the Educational Services Commission of NJ contract #65MCECCPS – ESCNJ 18/19-25; and

**WHEREAS**, the Chief Financial Officer has certified to the Township Clerk that funds are available.

**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 contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-10 of the Local Public Contracts Law.
2. That the Purchasing Agent is hereby authorized to execute a purchase order to Turf Equipment and Supply Company, 8015 Dorsey Run Road, Jessup, MD 20794-0865 in the total amount of \$78,711.74 for the purchase and delivery of two (2) Toro Groundsmasters 7210 and one (1) Sand Pro 3040 through contract #65MCECCPS – ESCNJ 18/19-25 as per the attached quotes.
3. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto. The following are the line item appropriation(s) and ordinance(s) which constitute the availability of funds for this contract:  
Ordinance #5-20 – account C-04-55-867-501 – \$78,711.74
4. That the Township Clerk shall further forward a certified copy of this resolution to vendor, Business Administrator, Chief Financial Officer, Director of Public Works 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 certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-14	7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date



**RESOLUTION**

**WHEREAS**, on June 9, 2020 the Township Council authorized the Business Administrator to conduct negotiations for Beer & Wine Garden Concession in accordance with N.J.S.A. 40A:11-5(3)(a); and

**WHEREAS**, ZMRA, LLC, 247 Mantoloking Road, Brick, NJ 08723 has agreed to the original bid specifications; and

**WHEREAS**, the Business Administrator requests that the Township enters into a contract for the above-mentioned service with the vendor.

**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 contract for Beer & Wine Garden Concession is hereby awarded to ZMRA, LLC, 247 Mantoloking Road, Brick, NJ 08723.
2. That cashier's check in the amount of \$6,000.00 has been submitted by the vendor.
3. That this award is for the 2020 summer season and concluding on October 18, 2020.
4. That the Mayor is hereby 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.
5. That a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Director of Recreation 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 certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 14<sup>th</sup> day of July, 2020.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-15	7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, on June 9, 2020 the Township Council authorized the Business Administrator to conduct negotiations for Summerfest Food Truck Vendors (Remaining Categories) in accordance with N.J.S.A. 40A:11-5(3)(a); and

**WHEREAS**, The Empanada Dish, 244 Weldon Road, Manchester, NJ 08759 has agreed to the original bid specifications; and

**WHEREAS**, Tony's Italian Sausage, LLC, 13 Rutgers Street, Hazlet, NJ 07730 has agreed to the original bid specifications; and

**WHEREAS**, the Business Administrator requests that the Township enters into a contract for the above-mentioned service with both vendors.

**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 contract for Summerfest Food Truck Vendors (Remaining Categories) is hereby awarded to the following vendors:
  - The Empanada Dish, 244 Weldon Road, Manchester, NJ 08759
  - Tony's Italian Sausage, LLC, 13 Rutgers Street, Hazlet, NJ 07730
2. That the Business Administrator recommends award per category:
  - Category 2 – Hot Food – Tony's Italian Sausage, LLC – \$750.00
  - Category 5 – Specialty – Empanadas, Tacos – The Empanada Dish – \$750.00
3. That money orders in the total amount of \$1,500.00 have been submitted by the vendors.
4. That this award is for the 2020 summer season and concluding on September 27, 2020.
5. That the Mayor is hereby 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 certified copy of this resolution shall be forwarded to the vendors, Business Administrator, Chief Financial Officer, Director of Recreation 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 certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-16	7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**CLOSE OUT CHANGE ORDER #1**

**WHEREAS**, the Township of Brick previously awarded a contract to Down to Earth Landscaping, Inc., 705 Wright-Debow Road, Jackson, NJ 08527 on December 17, 2019 for the project known as "Boland Field Improvements" for a total contract price in the amount of \$237,520.00; and

**WHEREAS**, Down to Earth Landscaping, Inc. has completed the project; and

**WHEREAS**, the consulting engineer, CME Associates, has inspected the work and deemed the work to be complete; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.3 the consulting engineer has recommended the approval of Close-Out Change Order #1 decreasing the contract by (\$21,765.00) from \$237,520.00 to \$215,755.00 as a result of final as-built quantities; and

**WHEREAS**, the approval of this Close-Out Change Order #1 will result in the return of the performance bond posted for this project. Down to Earth Landscaping, Inc. has provided maintenance bond, which will run for a period of two (2) years; and

**WHEREAS**, the Township Attorney has reviewed the maintenance bond and deemed same to be acceptable; and

**WHEREAS**, it is now the desire of this Township Council to act upon the consulting engineer's recommendation and to approve said Close-Out Change Order #1.

**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 above-mentioned Change Order #1 is hereby approved decreasing the contract amount previously awarded to Down to Earth Landscaping, Inc. for Boland Field Improvements project to \$215,755.00, refunding \$21,765.00 to Ordinance #12-16, account C-04-55-853-402.
2. That final payment to the contractor is hereby authorized to be made based upon the recommendation of the consulting engineer.
3. That the work performed the contractor for the Boland Field Improvements project is hereby accepted by the Township of Brick.
4. That return of Performance and Payment Bond #S328137 in the amount of \$237,520.00 to the contractor is authorized.
5. That Maintenance Bond #S328137 in the amount of \$32,363.25 provided by the contractor is hereby accepted.
6. That the Township Clerk shall forward a certified copy of the resolution to the contractor, CME Associates, 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 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

Agenda #	Date
4-17	7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION**

**WHEREAS**, Transportation Security Administration presently owns various computer equipment as listed on the Attachment A, which it has deemed to be surplus property no longer needed for public use and wishes to donate these items to Township of Brick; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-36(2) the contracting unit does not need to advertise for bids when it makes any such sale to another contracting unit; and

**WHEREAS**, the Township of Brick is interested in acquiring these items deemed as surplus from the Transportation Security Administration; and

**WHEREAS**, it is the desire of Township of Brick to accept this donation.

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

1. That the Mayor and Council of the Township of Brick do hereby authorize the acceptance of various computer equipment.
2. That the property so described shall be exchanged between the Township of Brick and Transportation Security Administration at a mutually agreed time.
3. That a certified copy of this resolution shall be forwarded to the Business Administrator, Director of Information Technology, Chief Financial Officer and Purchasing Agent.

**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 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda # 4-18	Date 7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING OPEN SPACE ACQUISITIONS BY THE COUNTY OF OCEAN**

**WHEREAS**, the Ocean County Freeholders are considering the acquisition of three (3) parcels of property located in the Township for preservation as open space; and

**WHEREAS**, the County requires a resolution of support from the Governing Body before proceeding with the acquisitions; and

**WHEREAS**, the funding for the acquisitions will come from the County and not from the Township or its taxpayers; and

**WHEREAS**, the properties being considered for open space acquisition are located at 226 Mantoloking Road and are designated as follows:

- (1) Block 86, Lot 1, vacant parcel, .25 acres, owned by JER Contracting, Inc.
- (2) Block 86, Lot 2, single-family home, 1.70 acres, owned by James P. Early
- (3) Block 86, Lot 4, vacant parcel, 6.25 acres, owned by JER Partnership

**WHEREAS**, the Governing Body desires to express its support for the foregoing open space acquisitions by the County.

**NOW, THEREFORE, BE IT RESOLVED:**

- 1. The Governing Body supports the County's proposed acquisition of the three (3) referenced parcels, for open space preservation, with funding from the County and not from the Township or its taxpayers.
- 2. A certified copy of this Resolution shall be provided to the Ocean County Board of Chosen Freeholders and to the Ocean County Planning Department.

**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 July 14, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

Agenda #	Date
4-19	7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Outside the Crease, LLC 36 Mohawk Trail, Westfield, NJ has applied for a special event permit to conduct a Lacrosse Event on July 21 and 22, 2020 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 Outside the Crease, LLC's request for special event application to conduct a Lacrosse Event on July 21 and 22, 2020 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 Outside the Crease, LLC's request for special event application to conduct a Lacrosse Event on July 21 and 22, 2020 at the Drum Point Sports Complex between the hours of 8:00 am and 6:00 pm, with the conditions and restrictions as follows:

- 1) All fire lanes and fire access must remain open and accessible at all times. No obstruction of the pedestrian crosswalk/sidewalk access shall be permitted.
- 2) Any extracurricular cooking or grills to be used on site or any tents will require separate permit and approval from the Fire Bureau at least 72 hours prior to the event.
- 3) Occupancy limits will be in compliance with state regulations on the day of the event.
- 4) All social distancing guidelines must be adhered to.
- 5) 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.
- 6) 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 and Outside the Crease, LLC.

**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 July 14, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

Agenda #	Date
4-20	7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
MUNICIPAL CLERK

**RESOLUTION**

**WHEREAS**, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV deduction has been granted on Block 340, Lot 62 Account # 206853 as of 1-11-2020.

**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 cancel taxes from 1-11-2020 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
340/62/206853 360 Cherry Quay Rd.	Florczak, Gregory & Mary Ann	\$1,688.85 - 2020

**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 the 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-21a	7/14/20
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 are overpayments of taxes for the year 2017.

**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>
577/30.01/311565 832 Lynnwood Ave	Dawson, Dawn & Michael	\$1,734.08

**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 the 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-216	7/14/20
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 account # 727970 Block 1428 Lot 2; is exempt from paying taxes due to the fact it has been acquired by The Township of Brick.

**WHEREAS**, the Tax Collector is requesting to cancel taxes as of 2019 and forward.

**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 cancel taxes as stated above and refund as necessary.

<u>Block/Lot/Account#</u>	<u>Name</u>	<u>Amount</u>
1428/2/727970 Lanes Mill Rd.	Wernoch, Dennis A.	Exempt

**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 the 14<sup>th</sup> day of July, 2020.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of July, 2020.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-21C	7/14/20
Agenda #	Date
Agenda #	Date
Agenda #	Date

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF PROPERTY KNOWN AS BLOCK 210.35, LOT 19 FOR NO CONSIDERATION

WHEREAS, property known as Block 210.35, Lot 19 (the "Property") has been offered for donation to the Township for no consideration by its owners, Edward & Monique Faktor; and

WHEREAS, the Township Council desires to authorize the acceptance of the Property for no consideration; and

WHEREAS, the Township is required by the provisions of N.J.S.A. 40A:12-5 to accept such property acquisitions by ordinance;

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

SECTION 1.

- A. The Township Council hereby authorizes the acquisition by donation of property designated as Block 210.35, Lot 19 for no consideration.
B. The Mayor and Township Clerk are authorized to execute any necessary documentation to effect the acquisition of title to the Property by donation.
C. The acceptance of title to the Property is expressly conditioned on the completion of reasonable due diligence by the Township of the Property, which due diligence shall be completed within sixty (60) days of the final approval of this Ordinance, and which may include a title search, a survey, an environmental assessment and such other due diligence as deemed necessary by the Township.

SECTION 2. 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 3. 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 23rd day of June, 2020, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 14th day of July, 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 persons desiring to be heard upon the same will be given the opportunity to be so heard.

Lynnette A. Iannarone
LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

Table with 2 columns: Agenda #, Date. Rows contain handwritten entries: 5-1, 6/23/20; 5-1, 7/14/20; and empty rows.

**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.
- 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.

Agenda #	6/23/20
5-2	
Agenda #	Date
5-2	7/14/20
Agenda #	Date
Agenda #	Date

- 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 23<sup>rd</sup> day of June, 2020, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 14<sup>th</sup> day of July, 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