



**Brick Township Council  
Caucus/Public Meeting  
April 13, 2021  
7:00 PM  
Agenda No. 2**

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press on January 30, 2021 and The Ocean Star on February 5, 2021. 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 Reports of Municipal Officers.
  - d. Approve Minutes of March 23, 2021 – Parkland Scoping Hearing.
4. Budget Presentations:
  - \_\_\_1. Dan Santaniello – Recreation Department.
  - \_\_\_2. Rob Byrnes – Parks Department.
  - \_\_\_3. Stephen Krakovsky and Anthony Ventorino – Department of Public Works.

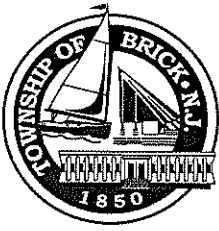
**Consent Agenda**

***“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 Grant Application – Governor’s Council on Alcoholism and Drug Abuse.
  - \_\_\_2. Authorize Receipt of Bids – Public Safety Uniforms.
  - \_\_\_3. Authorize Award of Bid – Mobile Ice Cream Truck.
  - \_\_\_4. Authorize Award of Bid – Summerfest Food Truck Vendors.
  - \_\_\_5. Authorize Award of Bid – Beer & Wine Garden Concession.
  - \_\_\_6. Authorize Award of Contract – Maintenance & Support of the New World Public Safety Software Suite for Police Department.
  - \_\_\_7. Authorize Award of Contract – Entertainment & Production Services for 2021 Summerfest Concerts.
  - \_\_\_8. Authorize Award of Contract through NJ Cooperative Purchasing Program – Purchase, Delivery & Installation of Radio Equipment.
  - \_\_\_9. Authorize Re-Bid – Fall Fest Food Vendor Concession.
  - \_\_\_10. Authorize Re-Bid – Operation of Brick Beach I Food Concession.
  - \_\_\_11. Authorize Re-Bid – Operation of Brick Beach III Food Concession.
  - \_\_\_12. Authorize Appointment of Alternate I Member to the Board of Adjustment.
  - \_\_\_13. Authorize Execution of Agreement – Life Guard Services for Curtis Point Property Owners Association.
  - \_\_\_14. Support the County of Ocean for Open Space Acquisition – Osprey Pointe.
  - \_\_\_15. Authorize Renewal of Trailer Park License – JSM @ Martin Blvd., LLC.
  - \_\_\_16. Authorize Placement of Tax Liens for Property Cleanups.
  - \_\_\_17. Bond Releases/Reductions:
    - a. Inspection Fund Release – Shippee Family Partnership – Sunset Blvd.
  - \_\_\_18. Tax Collector:
    - a. 100% DAV Refund & Cancel Taxes – Block 377.06 Lot 5.
    - b. 100% DAV Refund & Cancel Taxes – Block 603 Lot 1.08.
    - c. 100% DAV Refund & Cancel Taxes – Block 869.08 Lot 7.
    - d. 100% DAV Refund & Cancel Taxes – Block 1210.05 Lot 39.
    - e. 100% DAV Refund & Cancel Taxes – Block 1426.07 Lot 7.
    - f. Tax Overpayments – 2021.
  - \_\_\_19. **Recognize National Public Safety Telecommunicators Week – April 11 – 17, 2021.**  
**\*\*\*\*\*End of Consent Agenda\*\*\*\*\***
  - \_\_\_20. Bill Resolution – Computer 2021.
  - \_\_\_21. Bill Resolution – Manual 2021.

6. Ordinance on First Reading:
  - \_\_\_1. Amend Chapter 245 – Prohibit the Operation of Cannabis Businesses.

7. Ordinances on Second Reading:
  - \_\_\_1. Amend Chapter 245-3 – Impervious Coverage.
  - \_\_\_2. Amend Chapter 396 – Stormwater Management.



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- HOLD3.** Amend Chapter 445 – Trailers and Storage Containers.  
\_\_\_\_ 4. Authorize Sale of Block 1393.20 Lot 6.  
\_\_\_\_ 5. Cap Rate Ordinance.  
\_\_\_\_ 6. Refunding Bond Ordinance.

8. 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.**
9. Council Comments.
10. 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, April 27, 2021 at 7:00 p.m.**

Brick Township is inviting you to a scheduled Zoom meeting.

**Caucus/Public Council Meeting – Tuesday, April 13, 2021 at 7 pm**

Join Zoom Meeting

<https://us02web.zoom.us/j/84288654100?pwd=cFRsckVibXMwTGJOKzhaVOR2cWJtdz09>

Meeting ID: 842 8865 4100

Passcode: 204423

One tap mobile

+16468769923,,84288654100#,,,,\*204423# US (New York)

+13017158592,,84288654100#,,,,\*204423# US (Washington DC)

Dial by your location

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

Meeting ID: 842 8865 4100

Passcode: 204423

**RESOLUTION**

**Governor's Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle July 2020-June 2025**

**FORM 1B**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, the Township Council of the Township of Brick, County of Ocean, State of New Jersey recognizes that abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has established Municipal Alliance Committee; and

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Ocean.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF BRICK, COUNTY OF OCEAN STATE OF NEW JERSEY** hereby recognizes the following:

- 1. The Township Council does hereby authorize submission of a strategic plan for the Brick Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR \$21,773.00

Cash Match \$5,443.25

In-Kind \$16,329.75

- 2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**APPROVED:** \_\_\_\_\_  
**JOHN G. DUCEY, MAYOR**

**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 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	4/13/21
5-1	
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:

**PUBLIC SAFETY UNIFORMS**

**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 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	4/Date
5-2	4/13/21
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 Mobile Ice Cream Truck on Friday, March 26, 2021; and

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

**WHEREAS**, the Director of Recreation has recommended the award of said bid to the highest 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 the Mobile Ice Cream Truck is hereby awarded to Cool Concessions, 86 Mantoloking Road, Brick, NJ 08723.
2. That a money order in the amount of \$825.00 has been submitted by Cool Concessions for the exclusive rights to be the Mobile Ice Cream Truck vendor for awarded Township parks.
3. That this award is for the 2021 summer season and concluding on September 6, 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 vendor, Business Administrator, Chief Financial Officer, Director of Recreation 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 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	Date
5-3	4/13/21
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 Summerfest Food Truck Vendors on Friday, March 26, 2021; and

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

**WHEREAS**, the Director of Recreation has recommended the award of said bid to the highest responsive and responsible bidder being in full compliance of 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 Summerfest Food Truck Vendors is hereby awarded to the following vendors, as per the attached schedule:
  - Dellano Food Service, 45 Long Hill Road, Long Valley, NJ 07853
  - Highway 2 Ohana, 65 Grand Central Avenue, Lavallette, NJ 08735
  - Shore Shake, 3459 East Thistle Avenue, Toms River, NJ 08753
  - Tony's Italian Sausage, LLC, 13 Rutgers Street, Hazlet, NJ 07730
  - Woodshed Pizza, LLC, 99 Altier Avenue, Brick, NJ 08723
2. That money orders and cashier's checks in the total amount of \$6,911.00 have been submitted by the vendors.
3. That this award is for the 2021 summer season and concluding on October 10, 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, 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 13<sup>th</sup> day of April, 2021.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	Date
5-4	4/13/21
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 Beer & Wine Garden Concession on Friday, March 26, 2021; and

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

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

**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 \$7,000.00 has been submitted by the vendor.
3. That this award is for the 2021 summer season and concluding on October 17, 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 vendor, Business Administrator, Chief Financial Officer, Director of Recreation 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 13<sup>th</sup> day of April, 2021.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	4/Date
5-5	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date



**RESOLUTION**

**WHEREAS**, the Township of Brick has a need to acquire maintenance and support services through a required disclosure process pursuant to the provisions of N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26; and

**WHEREAS**, the Purchasing Agent of the Township of Brick has determined and certified in writing that the value of the services will exceed \$17,500.00; and

**WHEREAS**, the business entity has submitted a proposal indicating they will provide maintenance and support services for the New World Public Safety Software Suite utilized by the Brick Police Department; and

**WHEREAS**, the business entity has completed and submitted a Business Entity Disclosure Certification which certifies that the entity has not made any reportable contributions to a political or candidate committee in the Township of Brick in the previous one (1) year, and that the contract will prohibit the entity from making any reportable contributions through the term of the contract; and

**WHEREAS**, pursuant to C.271, the business entity has completed and submitted a Political Contribution Disclosure Form.

**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 Council of the Township of Brick does hereby award contract to Tyler Technologies, Inc., 840 W. Long Lake Road, Troy, Michigan 49098 to provide maintenance and support of the New World Public Safety Software Suite in accordance with the provisions of N.J.S.A. 40A:11-5(dd).
2. That the contract shall be in accordance with the proposal on file in the office of the Township Clerk in the amount of \$178,549.51.
3. That this contract is awarded as a required disclosure process contract in compliance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq.
4. That pursuant to N.J.S.A. 19:44A-20.26 the Business Disclosure Entity Certification, Political Contribution Disclosure Form, Statement of Ownership Disclosure and the Determination of Value are on file with this resolution.
5. That the term of this contract is for a period not to exceed twelve (12) consecutive months commencing on March 1, 2021.
6. That funds will be certified by the Chief Financial Officer from the appropriation line item named Data Processing – CPU Maintenance Contract, account 1-01-20-140-288.
7. 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.
8. That a notice of this action shall be printed once in the official newspaper of the Township of Brick.
9. That a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, IT Director 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 this 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

Agenda #	4/Date
5-6	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

**RESOLUTION**

**WHEREAS**, the Township of Brick has a need to acquire entertainment and production services for 2021 Summerfest concerts as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26; and

**WHEREAS**, the Purchasing Agent of the Township of Brick has determined and certified in writing that the value of the service will exceed \$17,500.00; and

**WHEREAS**, the business entity has submitted a proposal dated January 6, 2021 indicating they will provide entertainment and production services to the Township of Brick for the 2021 Summerfest concerts; and

**WHEREAS**, the business entity has completed and submitted a Business Entity Disclosure Certification which certifies that the entity has not made any reportable contributions to a political or candidate committee in the Township of Brick in the previous one (1) year, and that the contract will prohibit the entity from making any reportable contributions through the term of the contract; and

**WHEREAS**, pursuant to C.271, the business entity has completed and submitted a Political Contribution Disclosure Form.

**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 Council of the Township of Brick does hereby award a contract to La Guardia & Associates, LLC, 388 Pompton Avenue, Cedar Grove, NJ 07009 to provide professional services in accordance with the provisions of N.J.S.A. 40A:11-5 for the 2021 Summerfest concerts in the amount of \$27,650.00.
2. That the contract shall be in accordance with the proposal dated January 6, 2021.
3. That this contract is awarded as a required disclosure process contract in compliance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq.
4. That pursuant to N.J.S.A. 19:44A-20.26 the Business Disclosure Entity Certification, Political Contribution Disclosure Form, Statement of Ownership Disclosure and the Determination of Value are on file with this resolution.
5. That the term of this contract is for a period not to exceed twelve (12) consecutive months.
6. That funds will be certified by the Chief Financial Officer from the Recreation Rider account T-03-56-862-299 prior to the commencement of each event.
7. 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.
8. That a notice of this action shall be printed once in the official newspaper of the Township of Brick.
9. That a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Recreation Director 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 this 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

Agenda #	Date
5-7	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

**RESOLUTION**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12A**

**WHEREAS**, the Township of Brick pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services, the cost of which in the aggregate exceeds the bid threshold, under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Township of Brick has the need on a timely basis to purchase goods or services utilizing State contracts; and

**WHEREAS**, the Township of Brick intends to enter into contracts with the attached Referenced State Contract Vendor through this resolution, which shall be subject to all the conditions applicable to the current State contracts.

**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 of Brick authorizes the Purchasing Agent to purchase certain goods or services from the approved New Jersey State Contract Vendor on the attached list, pursuant to all conditions of the individual State contract.
2. That pursuant to N.J.A.C. 5:30-5.1 et seq., the certification of available funds has been issued by the Chief Financial Officer and is attached hereto. The following is the line item appropriation and ordinance which constitutes the availability of funds for this contract:  
 Ordinance #14-18 – account C-04-55-861-501 – \$35,167.96  
 Ordinance #7-20 – account C-04-55-869-501 – \$198,827.20
3. That the Township Clerk shall further forward a certified copy of this resolution to vendor, Business Administrator, Chief Financial Officer, 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 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

Agenda #	Date
5-8	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

**REFERENCED STATE CONTRACT VENDOR**

**Commodity/Service:** Purchase, Delivery, Design and Installation of Radio Equipment  
**Vendor:** PMC Associates  
 8 Crown Plaza  
 Hazlet, NJ 07730  
**State Contract:** 83900 & 83920  
**Total Amount:** \$233,995.16  
**Quotes:** #459197 & #459092

**RESOLUTION**

**WHEREAS**, sealed bids were to be received by the Division of Purchasing and Contracting of the Township of Brick for Fallfest Food Vendor Concession Stand on Friday, March 26, 2021; and

**WHEREAS**, no bids were received at the indicated time and place; and

**WHEREAS**, the Business Administrator recommends that the Township Council authorize the Division of Purchasing and Contracting to bid said service second time.

**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 bid for Fallfest Food Vendor Concession.
2. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned service.

**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 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	Date
5-9	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, sealed bids were to be received by the Division of Purchasing and Contracting of the Township of Brick for Operation of Brick Beach 1 Food Concession Stand on Friday, March 26, 2021; and

**WHEREAS**, no bids were received at the indicated time and place; and

**WHEREAS**, the Business Administrator recommends that the Township Council authorize the Division of Purchasing and Contracting to bid said service second time.

**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 bid for Operation of Brick Beach 1 Food Concession Stand.
2. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned service.

**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 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	Date
5-10	4/13/21
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 Operation of Brick Beach 3 Food Concession Stand on Friday, March 26, 2021; and

**WHEREAS**, no responsive bids were received at the indicated time and place; and

**WHEREAS**, the Business Administrator recommends that the Township Council authorize the Division of Purchasing and Contracting to bid said service second time.

**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 bid for Operation of Brick Beach 3 Food Concession Stand.
2. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned service.

**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 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	4/	Date
5-11		13/21
Agenda #		Date
Agenda #		Date
Agenda #		Date

**RESOLUTION**

**WHEREAS**, the Township of Brick has created a Zoning Board of Adjustment in accordance with the provisions of N.J.S.A.40:55D-69; and

**WHEREAS**, the Brick Township Council has been advised that there is a vacancy in the Alternate I member; and

**WHEREAS**, the Township Council is desirous of filling such position.

**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 Brian V. Formica, 685 Winding River Road, Brick, NJ be and hereby is appointed by the Township Council as an Alternate I Member of the Board of Adjustment to fill the vacancy for a two (2) year term effective April 14, 2021 and expiring on December 31, 2022.
2. That a certified copy of this resolution shall be forwarded to the following:
  - a. Secretary to the Board of Adjustment
  - b. Brian V. Formica

**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 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	4/Date
5-12	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Township of Brick contains several private beaches, which are obligated under the laws of the State of New Jersey to provide a certain quality of LIFE GUARDING services for 2021; and

**WHEREAS**, Curtis Point Property Owners Association has requested that the Township of Brick provide certified lifeguards and equipment and have offered to reimburse, hold harmless and indemnify the Township of Brick for the provision of such services; and

**WHEREAS**, the Township of Brick has an interest in providing a safe beach bathing environment for all beach goers in the Township, including those on private beaches, especially as the parameters of the public trust doctrine permitting some public beach access on all beaches in New Jersey continue to be expanded by the Court and the New Jersey Department of Environmental Protection; and

**WHEREAS**, it is therefore the desire of the Township Council to authorize the entry into the agreement with the Curtis Point Property Owners Association which is on file in the Township Clerk's Office.

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

1. That the Mayor and Township Clerk are hereby authorized to execute and attest to, respectively into 2021 agreement with Curtis Point Property Owners Association.
2. That a certified copy of this resolution shall be forwarded to the Curtis Point Property Owners Association, Director of Recreation, Chief Financial Officer 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 April 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	4/Date
S-13	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date



**RESOLUTION**

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

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

**WHEREAS**, the Committee has received a nomination for property known as Block 340, Lots 75 & 76 (the "Property") totaling approximately 12 acres located between Cherry Quay Road and Hooper Avenue in the Township of Brick; and

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

**WHEREAS**, on February 24, 2021, the Committee made final motion recommending acquisition to the Ocean County Board of Commissioners; and

**WHEREAS**, acquisition by the Ocean County Natural Lands Trust Fund requires support from the Township of Brick; and

**WHEREAS**, the Township of Brick has agreed to "contribute" the dedication of Block 340, Lot 88, a Township of Brick owned parcel of 1.24 acres as open space and list the property on the NJ Green Acres Recreation and Open Space Inventory as an encumbered land; and

**WHEREAS**, the Township of Brick has agreed that Block 340, Lot 88 will be limited to "passive" recreation such as walking and biking trails for future use; and

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

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

1. The Township Council hereby supports the acquisition of the Property by the County of Ocean for open space preservation purposes.
2. Copies of this Resolution shall be made available to the Ocean County Board of Commissioners; the County Administrator; the County Planning Director; County Counsel; and the County Natural Lands Trust Fund Advisory Committee.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean, 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 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
LYNNETTE A. IANANRONE  
TOWNSHIP CLERK

Agenda # 5-14	Date 4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Chapter 445 of the Township Code requires a license for the operation of a mobile home park in the Township of Brick; and

**WHEREAS**, JSM @ Martin Blvd., LLC located at Route 88 & Jack Martin Blvd. a/k/a Block 868.01 Lot 16 has submitted an application to the Municipal Clerk for the renewal of their license for the operation of the park; and

**WHEREAS**, the application has been reviewed and the Mobile Home Park has been inspected by the Township’s Zoning Official and found to be in compliance with the Township Code and with no conditions on the property to be addressed; and

**WHEREAS**, the Township Council desires to authorize the issuance of a license to JSM @ Martin Blvd., LLC, based on the recommendations of the Zoning Official;

**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 Municipal Clerk is hereby authorized to renew the license issued to JSM @ Martin Blvd., LLC for the Mobile Home Park, located at Route 88 & Jack Martin Boulevard a/k/a Block 868.01 Lot 16, for the operation of the park.
2. That said license shall be effective January 1, 2021 through December 31, 2021 and subject to the provisions Chapter 445 of the Township Code.
3. That the Township Clerk shall forward a certified copy of this resolution to the Business Administrator, the Zoning Officer and JSM @ Martin Blvd., LLC.

**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 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	4/Date
5-15	13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**RESOLUTION OF 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:

**6 Cardinal Ave. – Block 157/Lot 123 - \$772.67**

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 in removing the debris and cleaning up the aforementioned property; and

**WHEREAS**, the total additional costs incurred by the Township for the removal of the debris and cleaning up the property, as certified by the Director of Public Works, are:

**6 Cardinal Ave. – Block 157/Lot 123 - \$772.67**

**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 in the removal of the debris from the subject premises and cleaning up the property, 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 for the removal of debris and cleaning up the properties located at:

**6 Cardinal Ave. – Block 157/Lot 123 - \$772.67**

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 in removing the debris and cleaning up the property, together with 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 and to the Code Enforcement Officer.

**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 April 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

Agenda #	4/13/21
5-16	
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

**RESOLUTION**

**WHEREAS**, the Township Engineer has notified the Municipal Clerk by letter dated March 17, 2021 that there is \$205.98 remaining in the engineering inspection fund from 10+2 FLP (Shippee Family Partnership) 1548 Millstone River Road, Hillsborough, NJ 08844 (Block 31 Lot 22.01); and

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

**WHEREAS**, the Township Engineer recommends that the \$205.98 remaining in the engineering inspection fund be returned to the applicant; and

**WHEREAS**, the Township Council is satisfied with the recommendations of the 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 \$205.98 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. Township Engineer
  - c. Applicant/Developer

**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 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda #	4/Date
5-17a	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that a 100% DAV deduction has been granted on Block 377.06, Lot 5 Account # 207424 as of 12/16/2020.

**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 12/16/2020 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
377.06/5/207424	Maund, Mark	\$ 166.21- 2020
13 Whitecap Way		\$ 947.93- 2021
		<u>\$1,114.14</u>

**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 April 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13th day of April, 2021.

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

Agenda #	4/Day
5-18a	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that a 100% DAV deduction has been granted on Block 603, Lot 1.08 Account # 312827 as of 4/3/2020.

**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 4/3/2020 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
603/1.08/312827	Antunes, Denis &	\$4,529.87- 2020
521 Vannote Drive	Douban, Monira	<u>\$1,514.11- 2021</u>
		\$6,043.98

**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 April 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13th day of April, 2021.

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

Agenda #	4/13/21
5-186	
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that a 100% DAV deduction has been granted on Block 869.08, Lot 7 Account # 415540 as of 10/8/2020.

**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 10/8/2020 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
869.08/7/415540 121 Besante Blvd.	Cerrito, Joseph & Barbara	\$1,588.74- 2020 <u>\$1,705.56- 2021</u> \$3,294.30

**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 April 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13th day of April, 2021.

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

Agenda #	4/	Date
5-18c		13/21
Agenda #		Date
Agenda #		Date
Agenda #		Date

**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that a 100% DAV deduction has been granted on Block 1210.05, Lot 39 Account # 622545 as of 2/26/2020.

**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 2/26/2020 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1210.05/39/622545 15 Vernon Court	Duclos, Ronald & Karen	\$3,702.28- 2020 <u>\$1,324.20- 2021</u> \$5,026.48

**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 April 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13th day of April, 2021.

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

Agenda #	4/Date
5-18d	13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date



**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that a 100% DAV deduction has been granted on Block 1426.07, Lot 7 Account # 727507 as of 12/12/2020.

**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 12/12/2020 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1426.07/7/727507 1211 Andover Road	McCaffrey, Kevin & Rosemarie	\$ 451.27- 2020 <u>\$2,567.51- 2021</u> \$3,018.78

**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 April 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13th day of April, 2021.

Agenda #	4/ Date
5-18e	4/13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

## RESOLUTION

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2021.

**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>
378.38/6/207852 152 Marilyn Drive	Bellisano, Joseph & Sharon	\$380.52
383.07/39/309249 373 Georgia Drive	Spitale, Anthony	\$443.02
701.38/6/413504 2 Firwood Dr.	Bailey, Thomas	\$203.09
902.29/5/416278 75 Nottingham Dr.	Newman, Fareedah	\$281.20
982/49/518027 695 Harbor Rd.	Roche, John P & Suzanne	\$776.16
1052/7/518887 107 Roosevelt Dr.	Carabellese, Frank & Donna	\$336.11
1192.12/1/621334 114 Clay Circle	Jarmus, Michael	\$232.74
1210.22/50/625618 87 Wordsworth Rd.	Dzibela, Kim & Massa, Lillian	\$619.90
1210.27/17/625714 156 Wordsworth Rd	Gargan Family Trust	\$482.52
1316/3/623993 279 Sudbury Rd.	Fraley, Paul & Mildred	\$429.27
1386.01/2/725342 2245 Lanes Mill Rd.	Shymanski, Robert & Dolores	\$453.63
825/53/414759 1609 Tilford Blvd.	Griatzky, Nicholas	\$374.96
1426.02/23/727443 1225 Herkimer Rd.	Drew, Michael & Heather	\$538.51
1253/28/623104 436 Ann Ave.	Farley, Rosemary Momich	\$378.03
1192.14/6/621439 4 Darley Circle	Illmensee, Mildred	\$214.70
383.07/31/309245 380 Lake Shore Dr.	Volinski, Vincent	\$290.63
870.08/2/417212 24 Cottontail Dr.	Kapp, Suzanne	\$449.73
1192.14/26/621459 47 Clay Circle	Evans, Gerald	\$181.19
382.33/17/308496 33 Courtshire Dr.	Zilai, Richard & Victoria	\$286.09

1192.02/136/520955  
1 Robinson Road

Rutzler, Sandra

\$285.87

1264/7/623330  
836 Marbro Ave.

Alfieri, Laura

\$265.60

### **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 13<sup>th</sup> day of April, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION**

**WHEREAS**, the week of April 11 – 17, 2021 has been designated National Public Safety Telecommunicators Week in the United States; and

**WHEREAS**, this is a national recognition of the vitally important role that Public Safety Telecommunicators have in our communities as they are often the first and most critical contact citizens have with emergency services; and

**WHEREAS**, Public Safety Telecommunicators – often called dispatchers – are the single vital link for our police officers, firefighters and EMS staff as they provide them the essential information they need to respond to emergencies; and

**WHEREAS**, the citizens of Brick Township are fortunate to have a staff of 24 full time and 4 part time dispatchers working 24 hours a day, 365 days a year standing ready to assist them in an emergency; and

**WHEREAS**, our dispatchers – as well as all Public Safety Telecommunicators – exhibit compassion, understanding and professionalism during the performance of their job.

**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 praise the men and women who serve the Township of Brick and all communities as Public Safety Telecommunicators.
2. We urge all residents to give thanks for the individuals who serve on the very first line among First Responders.

**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 13, 2021.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 13<sup>th</sup> day of April, 2021.

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

Agenda # 5-19	4/Date 13/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

**ORDINANCE**

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 245 AND DELETING CHAPTER 340 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), N. J. S. A. 24:6I-31, et. seq., which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, Section 31b of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, by Ordinance 1-19 adopted March 12, 2019, the Township Council of the Township of Brick adopted Chapter 340 of the Codified Ordinances of the Township of Brick prohibiting the establishment of marijuana production, distribution and retail facilities within the Township of Brick; and

*Revised*

Agenda #	4/ Date
01	1/13/21
Agenda #	Date

**WHEREAS**, Section 31b of the Act stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021) and any municipal regulation adopted prior to the effective date of the Act is void; and

**WHEREAS**, pursuant to Section 31b of the Act, it is necessary for the Township Council to readopt the restrictions established Ordinance 1-19 adopted March 12, 2019; and

**WHEREAS**, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Township Council of the Township of Brick has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Brick in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Brick's residents and members of the public who visit, travel, or conduct business in the Township of Brick to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Brick and to affirm the prohibitions contained within Ordinance 1-19 adopted March 12, 2019; and

**WHEREAS**, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

**NOW, THEREFORE, BE IT ORDAINED**, by the the Township Council of the Township of Brick as follows:

**SECTION 1.** Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), N.J.S.A. 24:6I-45b, all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Brick.

**SECTION 2.** Chapter 245 of the Township Code is herereby amended to establish Chapter 245-25.1 to add cannabis establishments, cannabis distributors or cannabis delivery services as prohibited uses in all zones within the Township of Brick.

**SECTION 3.** The adopted Chapter 245-25.1 shall read as follows:

**§ 245-25.1 Cannabis establishments, cannabis distributors and cannabis delivery services prohibited.**

**A. Purpose.**

Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), N.J.S.A. 24:6I-45b, all cannabis establishments, including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer, cannabis distributor or cannabis delivery service are hereby prohibited from operating anywhere within the Township of Brick.

**B. Definitions.**

As used in this chapter, all classes of cannabis establishments, including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, and a cannabis distributor or cannabis delivery service shall have the meaning as defined in section 3 of P.O. 2021, c. 16, N.J.S.A. 24:6I-33, et seq.

**C. General prohibition.**

All classes of cannabis establishments including a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer, and a cannabis distributor or cannabis delivery service, but not the delivery of cannabis items and related supplies by a delivery service, as said terms are defined in section 3 of P.L. 2021, c. 16, N.J.S.A. 24:6I-33 are hereby prohibited uses or activities within the Township of Brick.

**SECTION 4.** Chapter 340 of the Township Code is hereby deleted.

**SECTION 5.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 6.** 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 13<sup>th</sup> day of April, 2021 and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27<sup>th</sup> day of April, 2021 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.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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JOHN G. DUCEY  
MAYOR

ORDINANCE

ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 245-3

WHEREAS, the Township Council hereby amends Section 245-3 to establish a definition applicable to impervious coverage; and

WHEREAS, the Township Council hereby amends Section 245 Attachment 5 to establish maximum permitted impervious surface coverage for residential zoning districts.

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

SECTION 1. Section 245-3 of the Township Code of the Township of Brick, is hereby amended to adopt a definition applicable to impervious coverage. The amendment to Section 245-3 shall read as follows:

Section 245-3 Definitions.

Impervious Coverage. Any paved, hardened or structural surface which does not allow for on-site infiltration of precipitation. Such surfaces include but are not limited to buildings, driveways, streets, parking lots, swimming pools, dams, decks, tennis courts, concrete pavers, brick pavers and any other structures that meet the above definitions.

SECTION 2. Section 245 Attachment 5 of the Township Code captioned "Schedule of Area, Yard and Building Requirements is hereby amended to establish maximum allowable impervious surface coverage in residential zones. The amendments to Chapter 245 Attachment 5 shall read as follows:

Zone	Maximum Allowable Impervious Coverage
R-R	30
R-20	50
R-15	55
R-10	60
R-7.5	65
R-5	70

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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 23rd day of March, 2021 and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 13th day of April, 2021 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.

[Handwritten Signature]
LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

Agenda #	Date
5-3	3/23/21
Agenda #	Date
7-1	4/13/21



ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER 396 OF THE TOWNSHIP CODE ENTITLED  
"STORMWATER MANAGEMENT"

**Article I. Scope and Purpose:**

396-1. Policy Statement.

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

396-2. Purpose.

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 396-5.

396-3. Applicability

A. This ordinance shall be applicable to the following major developments:

- (1) Non-residential major developments; and
- (2) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

B. This ordinance shall also be applicable to all major developments undertaken by the Township of Brick, the Brick Housing Authority, The Brick Municipal Utilities Authority, the Brick Township Board of Education and the Board of Fire Commissioners

396-4. Compatibility with Other Permit and Ordinance Requirements.

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

396-5. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"CAFRA Centers, Cores or Nodes" means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

"CAFRA Planning Map" means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

"Community Basin" means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

Agenda #	L/Date
7-2	1/13/21

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by Ocean County Board of Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be a county planning agency or a county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity or by physical or chemical action.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

- A. Treating stormwater runoff through infiltration into subsoil;
- B. Treating stormwater runoff through filtration by vegetation or soil; or
- C. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004. Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually result in the disturbance of one or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

"Motor vehicle" means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

"Motor vehicle surface" means any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

"Municipality" means any city, borough, town, township, or village.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Township of Brick or other public body, and is designed and used for collecting and conveying stormwater.

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 396-7.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Node" means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or  
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. Designated as CAFRA Centers, Cores or Nodes;
- C. Designated as Urban Enterprise Zones; and
- D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

### **396-6. Design and Performance Standards for Stormwater Management Measures.**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
  1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

### **396-7. Stormwater Management Requirements for Major Development.**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with 396-12.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of 396-7 P, Q and R.
  1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of 396-7 O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of 396-7.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of 396-7.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 396-7.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 396-7.O, P, Q and R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in 396-7.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

[https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<b>Table 1</b>				
<b><u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u></b>				
<b><u>Best Management Practice</u></b>	<b><u>Stormwater Runoff Quality TSS Removal Rate (percent)</u></b>	<b><u>Stormwater Runoff Quantity</u></b>	<b><u>Groundwater Recharge</u></b>	<b><u>Minimum Separation from Seasonal High Water Table (feet)</u></b>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>=</u>
<u>Dry Well<sup>(a)</sup></u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2<sup>(e)</sup></u> <u>1<sup>(f)</sup></u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>=</u>
<u>Manufactured Treatment Device<sup>(a) (g)</sup></u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System<sup>(a)</sup></u>	<u>80</u>	<u>Yes</u>	<u>Yes<sup>(b)</sup></u> <u>No<sup>(c)</sup></u>	<u>2<sup>(b)</sup></u> <u>1<sup>(c)</sup></u>
<u>Small-Scale Bioretention Basin<sup>(a)</sup></u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes<sup>(b)</sup></u> <u>No<sup>(c)</sup></u>	<u>2<sup>(b)</sup></u> <u>1<sup>(c)</sup></u>
<u>Small-Scale Infiltration Basin<sup>(a)</sup></u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>

Vegetative Filter Strip	60-80	No	No	=
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(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page D-15)

<b>Table 2</b> <b>Green Infrastructure BMPs for Stormwater Runoff Quantity</b> <b>(or for Groundwater Recharge and/or Stormwater Runoff Quality</b> <b>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-15)

<b>Table 3</b> <b>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</b> <b>Stormwater Runoff Quantity</b> <b>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <sup>(h)</sup>	50 or 80	No	No	Dependent upon the device
Sand Filter <sup>(c)</sup>	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at 396-7.0.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;

- (g) manufactured treatment devices that meet the definition of green infrastructure at 396-5.
  - (h) manufactured treatment devices that do not meet the definition of green infrastructure at 396-5.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 396-7.B. Alternative stormwater management measures may be used to satisfy the requirements at 396-7.O only if the measures meet the definition of green infrastructure at Section 396-5. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 396-7.D is granted from Section 396-7.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
  1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 396-11 C;
  3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 396-11; and
  5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 396-5 may be used only under the circumstances described at Section 396-7.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 396-7.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.



- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 396-7.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk . A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at 396-7.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to 396-12.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 396-7 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.
- O. Green Infrastructure Standards

This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

To satisfy the groundwater recharge and stormwater runoff quality standards at Section 396-7.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 396-7.F. and/or an alternative stormwater management measure approved in accordance with Section 396-7.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<u>Best Management Practice</u>	<u>Maximum Contributory Drainage Area</u>
<u>Dry Well</u>	<u>1 acre</u>
<u>Manufactured Treatment Device</u>	<u>2.5 acres</u>
<u>Pervious Pavement Systems</u>	<u>Area of additional inflow cannot exceed three times the area occupied by the BMP</u>
<u>Small-scale Bioretention Systems</u>	<u>2.5 acres</u>
<u>Small-scale Infiltration Basin</u>	<u>2.5 acres</u>
<u>Small-scale Sand Filter</u>	<u>2.5 acres</u>

1. To satisfy the stormwater runoff quantity standards at Section 396-7.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 396-7.G.
2. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 396-7.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with

396-7.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at 396-7.P, Q and R.

3. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at 396-7.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with 396-7.D.

#### P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 396-8, either:
  - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

#### Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

**Table 4 - Water Quality Design Storm Distribution**

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in

stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in 396-7.P, Q and R.

7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 396-8, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

#### 396-8. Calculation of Stormwater Runoff and Groundwater Recharge:

##### A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
  - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section 396-8.A.1.i and the Rational and Modified Rational Methods at Section 396-8.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

### 396-9. Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

- B. Submissions required for review by the Department should be mailed to:

### **396-10. Solids and Floatable Materials Control Standards.**

A. Site design features identified under 396-7.F above, or alternative designs in accordance with 396-7.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see 396-10.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:
    - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
    - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
    - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
      - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
      - b. A bar screen having a bar spacing of 0.5 inches.Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).
    - iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
    - v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

### **396-11 Safety Standards for Stormwater Management Basins.**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater

management BMPs to be retrofitted to meet one or more of the safety standards in 396-11.C.1, 11.C.2, and 11.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

### C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

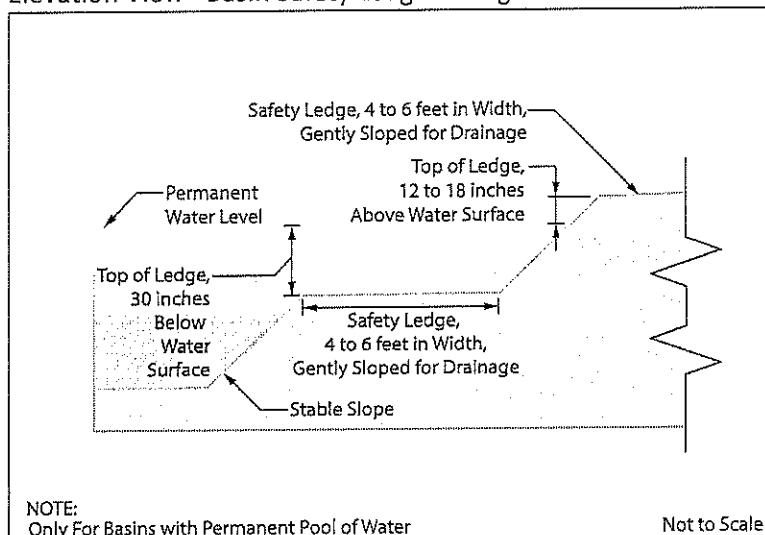
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
  - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
  - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
  - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
  - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
  - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
  - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to 396-11.C, a free-standing outlet structure may be exempted from this requirement;
  - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
  - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

### D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

### E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



## Section 396-12. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 396-12.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with 396-12.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this article.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 396-6 through 396-8 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.



## 6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 396-7 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

## 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 396-13.

## 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 396-12.C.1 through 396-12.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

### **396-13. Maintenance and Repair.**

#### A. Applicability

Projects subject to review as in 396-3 of this ordinance shall comply with the requirements of 396-13.B and 396-13.C.

#### B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Subsection B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 396-13.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence

repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under 396-13.B.3 above shall perform all of the following requirements:
    - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
    - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
    - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by 396-13.B.6 and B.7 above.
  8. The requirements of Subsection B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
  9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

#### **396-14. Violations and Penalties.**

- A. Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject a fine of \$500 per day until the unauthorized improvement is removed or repaired.
- B. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.
- C. This Ordinance shall be in full force and effect from and after its adoption and any 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 February, 2021, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 13<sup>th</sup> day of April, 2021 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.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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JOHN G. DUCEY  
MAYOR

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP FO BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF LAND KNOWN AS BLOCK 1393.20 LOT 6

WHEREAS, the Township owns real property known as Block 1393.20, Lot 6, located on Lanes Mill Road, which is vacant and is approximately 20' x 100' (the "Property"); and

WHEREAS, the Township is authorized, under N.J.S.A. 40A:12-13(b)(5), to sell real property to an owner of property that is contiguous to the real property being sold, provided that the property being sold is less than the minimum size required for development in the zone and is vacant; and

WHEREAS, in accordance with said statute, the Township has offered the Property for sale to each of the owners that own property contiguous to the Property; and

WHEREAS, the only contiguous property owner to indicate interest in purchasing the Property is Jeffrey and Rachel Moncrief, who own Block 1393.20, Lots 7-10; and

WHEREAS, the Moncrief's are willing to pay the fair market value of the Property, which has been deemed to be the same as the assessed value of \$3,600; and

WHEREAS, the Township Council desires to authorize the sale of the Property to the Moncrief's for the sum of \$3,600; and

WHEREAS, the Township is required by the provisions of N.J.S.A. 40A:12-13(b)(5) to authorize such sales of property 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 sale of property designated as Block 1393.20, Lot 6, for the total sum of \$3,600, to the owners of adjoining property, Jeffrey and Rachel Moncrief, in accordance with N.J.S.A. 40A:12-13(b)(5).
- B. The Mayor and Township Clerk are authorized to execute any necessary documentation to affect the transfer of title to the Property to the Moncriefs.

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 23<sup>rd</sup> day of March, 2021, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 13<sup>th</sup> day of April, 2021 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

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JOHN G. DUCEY  
 MAYOR

Agenda #	3/	Date
5-4	/	23/21
Agenda #	4/	Date
7-4	/	13/21
Agenda #		Date

**ORDINANCE**

**CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Council of the Township of Brick in the County of Ocean finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$2,867,898.38 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Brick, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Brick shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 2.5% bringing the percentage to 3.5% amounting to a \$2,048,498.84 increase, bringing the total to \$2,867,898.38 and that the CY 2021 municipal budget for the Township of Brick be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**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 March, 2021, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 13<sup>th</sup> day of April, 2021 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.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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JOHN G. DUCEY  
MAYOR

*Revised*

Agenda #	3/Date
5-1	/23/21
Agenda #	4/Date
7-5	/13/21
Agenda #	Date

**ORDINANCE**

**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWNSHIP TO ACHIEVE DEBT SERVICE SAVINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$18,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR**

**WHEREAS**, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") issued (i) \$28,655,000 General Improvement Bonds, Series 2012, dated September 28, 2012, \$5,645,000 of which are currently outstanding and maturing on or after August 15, 2023 and which bonds are subject to redemption on or after August 15, 2022 at a redemption price equal to 100% of the par amount to be redeemed (the "2012 Refunded Bonds"), and (ii) \$23,650,000 General Obligation Bonds (French's Landfill Solar Redevelopment Project) , Series 2014B (Federally Taxable), dated September 26, 2014, \$11,000,000 of which are currently outstanding and maturing on or after September 1, 2024 and which bonds are subject to redemption on or after September 1, 2023 at a redemption price equal to 100% of the par amount to be redeemed (the "2014 Refunded Bonds" and together with the 2012 Refunded Bonds, the "Refunded Bonds"); and

**WHEREAS**, the Township Council has determined that refunding bonds can be issued to refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate net present value debt service savings to the Township equal to or greater than three percent (3%), which savings is the minimum amount required by the Local Finance Board, Division of Local Government Services, Department of Community Affairs of the State of New Jersey (the "Local Finance Board") to undertake such refunding of the Refunded Bonds; and

**WHEREAS**, the Township Council has determined to provide for the refunding of the Refunded Bonds through the issuance by the Township of not to exceed \$18,000,000 aggregate principal amount of General Obligation Refunding Bonds.

**NOW, THEREFORE, 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 refunding of all or a portion of the Refunded Bonds is hereby authorized.

**SECTION 2.** In order to refund the Refunded Bonds and to pay all related costs of issuance associated therewith, the Township is hereby authorized to issue General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$18,000,000 (the "Refunding Bonds"), to be issued in one or more issues, all in accordance with the requirements of N.J.S.A. 40A:2-51, and to appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Obligation Refunding Bonds, Series 2021", with such other designation as may be necessary to identify such bonds, including each series thereof.

**SECTION 3.** The purposes for which the Refunding Bonds are to be issued are to achieve debt service savings for the Township by refunding all or a portion of the callable principal amount of the Refunded Bonds, including the payment of interest accrued thereon on each interest payment date to the dates fixed for redemption for the applicable series of Refunded Bonds.

**SECTION 4.** An aggregate amount not exceeding \$180,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance premiums, advertising, paying agent and escrow fees, verification agent fees, rating agency fees, accounting, municipal advisory, legal and other expenses in connection therewith.

**SECTION 5.** The purpose of the issuance of the Refunding Bonds is to realize net present value interest cost savings for property taxpayers residing in the Township ("net" meaning savings after payment of all costs of issuance of the Refunding Bonds). Applicable State requirements mandate that such net present value interest cost savings equal at least 3% of the principal amount of the Refunded Bonds. In addition, the issuance of the Refunding Bonds shall comply with the provisions of N.J.A.C. 5:30-2.5, including that within 10 days of the date of the closing

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7-6	11/3/21

on the Refunding Bonds, the Clerk shall file a report with the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs setting forth (a) a comparison of the Refunding Bonds' debt service and the Refunded Bonds' debt service which comparison shall set forth the present value savings achieved by the issuance of the Refunding Bonds; (b) a summary of the issuance of the Refunding Bonds; (c) an itemized accounting of all costs of issuance in connection with the issuance of the Refunding Bonds; and (d) a certification of the Clerk that (i) all of the conditions of section (b) of N.J.A.C. 5:30-2.5 have been met, and (ii) a resolution authorizing the issuance of the Refunding Bonds, adopted pursuant N.J.S.A. 40A:2-51(c), was approved by a two-thirds vote of the full membership of the Township Council.

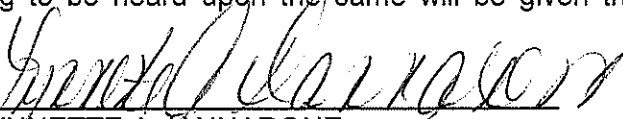
**SECTION 6.** The Supplemental Debt Statement relating to the Refunding Bonds, required by the Local Bond Law, has been duly made and filed in the Office of the Clerk of the Township, and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government 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 principal amount of the authorization of the Refunding Bonds provided for in this Refunding Bond Ordinance, and will be decreased by the principal amount of the Refunded Bonds.

**SECTION 7.** To the extent that the Refunding Bonds are issued as federally tax exempt obligations, the Township Council hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, and investment of the proceeds of the Refunding Bonds, and the timely reporting and rebate of investment earnings on such proceeds as may be required thereunder. The Refunding Bonds are also authorized, if required, and with the consent of the Chief Financial Officer of the Township, in consultation with the Township's financial advisor and bond counsel, to be issued as taxable bonds.

**SECTION 8.** This Refunding 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 23<sup>rd</sup> day of March, 2021, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 13<sup>th</sup> day of April, 2021 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. TANNARONE  
TOWNSHIP CLERK

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JOHN G. DUCEY  
MAYOR