



**Brick Township Council
Caucus/Public Meeting
April 27, 2021
7:00 PM
Agenda No. 1**

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 Minutes of March 23rd and April 13, 2021 Meetings.
4. Municipal Budget Hearing:
 1. Authorize Reading of Budget by Title Only.
 2. Motion to Open Public Hearing on Budget.
 3. Motion to Close Public Hearing on Budget.
 4. Adoption of the 2021 Municipal Budget.

Consent Agenda

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

5. Resolutions:

1. Authorize Cancellation of Stale Dated Checks.
 2. Authorize Receipt of Bids – Bay Harbor Phase I Roadway Improvements.
 3. Authorize Award of Contract through The Educational Services Commission of New Jersey Cooperative Pricing System – Three 2021 Ford Bronco Sports.
 4. Authorize Award of Contract through State of New Jersey Cooperative Purchasing Program – Workforce Ready Time Keeping.
 5. Authorize Re-Bid – Manufacturing & Printing of Tax Bills.
 6. Authorize Special Events Permit – Marina Party/Pig Roast.
 7. Bond Releases/Reductions:
 - a. Performance Bond Release – 2026 Route 88, LLC – Route 88.
 - b. Performance Bond Release – Robert Buhot – Princeton Avenue.
 - c. Performance Bond Release – Robert Bliesmann – Ridge Road.
 8. Tax Collector:
 - a. Tax Overpayments – 2021.
 - b. Refund Escheated Monies – CFT Services LLC/Phoenix Funding.
- *******End of Consent Agenda*******
9. Bill Resolution – Computer 2021.
 10. Bill Resolution – Manual 2021.

6. Ordinance on Second Reading:

1. Amend Chapter 245 – Prohibit the Operation of Cannabis Businesses.

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

8. Council Comments.

9. Motion to Adjourn.

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

****Next scheduled Caucus/Public Meeting will be held on Tuesday, May 11, 2021 at 7:00 p.m.**

Brick Township is inviting you to a scheduled Zoom meeting.

Caucus/Public Council Meeting – Tuesday, April 27, 2021 at 7 pm

Join Zoom Meeting

<https://us02web.zoom.us/j/82826185083?pwd=ZmVlV09SaFZqdW0wZTZoQkJOOTFKdz09>

Meeting ID: 828 2618 5083

Passcode: 022675

One tap mobile

+13017158592,,82826185083#,,,,*022675# US (Washington DC)

+13126266799,,82826185083#,,,,*022675# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 828 2618 5083

Passcode: 022675

RESOLUTION

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, that it is hereby declared that the conditions of N.J.S.A. 40A:4-8 have been met and therefore the Budget for 2021 shall be read by title.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 27, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/ Date
4-1	127/21
Agenda #	Date
Agenda #	Date
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RESOLUTION

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

- (a) \$ 78,198,039.18 – (Item 2 below) for municipal purposes, and
- (d) \$ 1,045,707.88 – Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

RECORDED VOTE:

AYES:

NAYS:

SUMMARY OF REVENUES

1	GENERAL REVENUES:	
	Surplus Anticipated	\$ 9,918,843.81
	Miscellaneous Revenues Anticipated	\$ 15,906,383.83
	Receipts from Delinquent Taxes	\$ 2,600,000.00
2	AMOUNT to be RAISED for TAXATION for MUNICIPAL PURPOSES:	
	(Item 6(a), Sheet 11)	\$ 78,198,039.18
	TOTAL REVENUES	\$ 106,623,266.82

SUMMARY OF APPROPRIATIONS

5	GENERAL APPROPRIATIONS:	
	Within "CAPS"	
	(a & b) Operations Including Contingent	\$ 71,659,827.00
	(e) Deferred Charges and Statutory Expenditures - Municipal	\$ 11,684,432.86
	(g) Cash Deficit	\$ -
	Excluded from "CAPS"	
	(a) Operations - Total Operations Excluded from "CAPS"	\$ 2,593,825.01
	(c) Capital Improvements	\$ 500,000.00
	(d) Municipal Debt Service	\$ 16,197,912.12
	(e) Deferred Charges - Municipal	\$.25
	(f) Judgements	\$ -
	(n) Transferred to Board of Education	\$ -
	(g) Cash Deficit	\$ -
	(m) Reserve for Uncollected Taxes	\$ 3,987,269.58
	TOTAL APPROPRIATIONS	\$ 106,623,266.82

Agenda #	4/ Date
4-4	127/01
Agenda #	Date
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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 27, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

RESOLUTION TO CANCEL STALE DATED CHECKS

WHEREAS, a reconciliation of the Township's Escrow accounts reflects an outstanding check; and

WHEREAS, the check date on this check is now stale dated; and

WHEREAS, attempts have been made to find the whereabouts of the payees, but to no avail, and

WHEREAS, it is the intent of the Council to cancel these outstanding checks.

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 list totaling \$42.64 is to be cancelled and funds are to be returned to the appropriate accounts.
2. A certified copy of this resolution be forwarded to the Chief Financial 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 on April 27, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April 27, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Inspection Under	Check #	Amount	Date Issued	Payee
	3751	42.64	10/22/20	Slurry Pavement Systems

Agenda #	4/ Date
5-1	27/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

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

BAY HARBOR PHASE I ROADWAY IMPROVEMENTS

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

1. That the Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above mentioned-project.
2. That the consulting engineer for the project, Colliers Engineering & Design, is hereby authorized to prepare formal bid specifications for the above-mentioned project.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 27th day of April, 2021.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/ Date
5-2	27/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

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

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

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

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

WHEREAS, the Township of Brick desires to purchase three (3) 2021 Ford Bronco Sports through the Educational Services Commission of NJ contract #65MCESCCPS – ESCNJ 20/21-09; and

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

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

1. That the contract is awarded without competitive bidding through a cooperative purchasing system pursuant to N.J.S.A. 40A:11-10 of the Local Public Contracts Law.
2. That the Purchasing Agent is hereby authorized to execute a purchase order to Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960 in the total amount of \$86,014.02 for the purchase and delivery of three (3) 2021 Ford Bronco Sports (\$28,671.34 each) through contract #65MCESCCPS – ESCNJ 20/21-09 as per the attached quote.
3. That a Certificate of Availability of 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 #6-19 – account C-04-55-863-602 – \$86,014.02
4. That the Township Clerk shall further forward a certified copy of this resolution to vendor, Business Administrator, Chief Financial Officer, Construction Official, General Supervisor, Public Works and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 27th day of April, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

Agenda #	4/ Date
5-3	27/21
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 are the line item appropriations and ordinances which constitute the availability of funds for this contract:
Ordinance #13-18 – account C-04-55-860-501 – \$151,681.44
Human Resources - Expert Services – account 1-01-20-105-207– \$126,729.00
3. That the Township Clerk shall further forward a certified copy of this resolution to vendor, Business Administrator, Chief Financial Officer, Director of Information Technology, Human Resources 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 certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 27th day of April, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-4	4/27/21
Agenda #	Date
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Agenda #	Date

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the Manufacturing & Printing of Tax Bills on April 16, 2021; and

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

WHEREAS, the Tax Collector 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 Manufacturing & Printing of Tax Bills.
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 27th day of April, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-5	4/27/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Jersey Shore Marina, 841 Route 70, Brick has applied for a special event permit to conduct a Marina Party on August 7, 2021 with a rain date of August 8, 2021 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve Jersey Shore Marina's request for special event application to conduct a Marina Party on August 7, 2021 with a rain date of August 8, 2021 with the conditions and restrictions detailed below.

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

SECTION 1. That Jersey Shore Marina's request for special event application to conduct a Marina Party on August 7, 2021 with a rain date of August 8, 2021 between the hours of 1:30 pm and 9:30 pm at 841 Route 70 East is approved with the conditions and restrictions as follows:

1. A tent/outdoor cooking permit must be obtained from the Brick Township Bureau of Fire Safety. All fire lanes and fire access and areas must remain open and accessible at all times.
2. No open flame or cooking to be under tents.
3. All areas around the volleyball court to remain open and accessible at all times.
4. Occupancy limits will be in compliance with state regulations on the day of the event.
5. All social distancing guidelines must be adhered to.
6. Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
7. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police and the Jersey Shore Marina.

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 27, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-6	1/27/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, 2026 Route 88, LLC, 9 Bella Vista Court, Marlboro, NJ 07746 had posted a cash bond in the amount of \$18,330.00 to guarantee site improvements to Block 1029 Lot 20, 21 & 22 (Dunkin Donuts PB-2823) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated April 15, 2021 has advised that the improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the cash performance bond in the amount of \$18,330.00 (plus interest if applicable) be returned to the applicant; and

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

1. That the cash performance bond in the amount of \$18,330.00 (plus interest if applicable) be returned to the applicant; and
2. That the Municipal Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, 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 27, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-7a	4/27/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Robert Buhot, 107 Hidden Hollow Lane, Califon, NJ 07830 had posted a cash bond in the amount of \$28,997.47 to guarantee site improvements to Block 923 Lot 12 (Off Princeton Avenue, PB-2635) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated April 13, 2021 has advised that GMP Construction Co., Inc has purchased the project and has submitted a replacement of the existing performance bond; and

WHEREAS, the Assistant Township Engineer recommends that the cash performance bond in the amount of \$28,997.47 (plus interest if applicable) in addition to the \$629.52 remaining in the engineering inspection fund be returned to the applicant; and

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

1. That the cash performance bond in the amount of \$28,997.47 (plus interest if applicable) in addition to the \$629.52 remaining in the engineering inspection fund be returned to the applicant; and
2. That the Municipal Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, 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 27, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/ Date
5-7b	27/21
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Robert A. Bliesmann, 208 Trenton Boulevard, Sea Girt, NJ 08750-3231 had posted a cash bond in the amount of \$19,179.37 to guarantee site improvements to Block 1422.15 Lot 28 (920 Ridge Road, Bristol Lane, PB-2764 &2492) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated April 15, 2021 has advised that Arya Properties, LLC has purchased the project and has submitted a replacement of the existing performance bond; and

WHEREAS, the Assistant Township Engineer recommends that the cash performance bond in the amount of \$19,179.37 (plus interest if applicable) in addition to the \$3,096.99 remaining in the engineering inspection fund be returned to the applicant; and

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

1. That the cash performance bond in the amount of \$19,179.37 (plus interest if applicable) in addition to the \$3,096.99 remaining in the engineering inspection fund be returned to the applicant; and
2. That the Municipal Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, 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 27, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-7c	4/27/21
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>
1192.17/56/520772 19 Clay Circle	Tamburro, Helen	\$267.57
1192.07/30/621080 6 Reed Lane	Leon, Pedro & Miriam	\$347.10
400.08/5/310177 436 Crestview Terrace	Esposito, Gayton & Barbara	\$373.93
1429.02/2C0130/728272 130 Miranda Court	Galkowski, Carol	\$275.22
1180/9/520592 40 Garden Avenue	Ziel, George & Diane	\$190.34
1386/10C512/729323 2018 Sawmill Road	Frank, Howard	\$231.07
1067.24/4/522305 10 Orchid Lane	Lonergan, Lawrence & Angela	\$470.69
1210.22/49/625617 91 Wordsworth Road	Farriella, Marianne	\$519.08
380.11/17/208073 8 Carter Way	Snyder, Ann Therese	\$365.94
324.32/4/206551 182 Club House Road	Grischbowsky, Donna Rae	\$270.37
870.10/23/417332 61 Sleepy Hollow Dr.	Paris Family Trust	\$375.62
1399.24/91/726480 512 Nebraska Ave.	Surety Title Agency Coastal Region	\$359.52
44.19/8/100913 315 Brigantine Lane	Estate of Albert E. Martin	\$1050.00
480/8/310701 881 Stapleton Ave.	Thatcher, Eugene & Janet	\$315.25
870.05/117/416999 19 Chipmunk Dr.	Booth, Mildred	\$467.07
603/1.08/312827 521 Vannote Dr.	Atunes, Denis & Douban, Monira	\$1,514.10

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43.08/4/100649 4 Caspian Sea Dr.	Dinallo, Lucille	\$429.98
252.18/8/204739 15 Long Point Drive	Sheridan, Paul & Loretta	\$376.36
1421.04/12/727040 533 Heather Lane	Fanelli, Frank & Denise	\$309.26

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 27th day of April, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there are escheated Tax Sale Premium monies in the amount of \$26,000.00 being claimed by CFT Services LLC / Phoenix Funding, Inc. for Tax Sale Certificate 2015-0190.

WHEREAS, Resolution No. 130-21 dated March 23, 2021 escheated all Premium monies in the Trust account in excess of 5 years to the Township.

WHEREAS, the Tax Collector has been notified by CFT Services LLC / Phoenix Funding that their Tax Sale Certificate 2015-0190 has been Redeemed by payments made directly through the US Bankruptcy Court Trustee on behalf of the owner of the property. The Original Certificate of Sale has been endorsed for cancelation and submitted along with their request of return of their funds.

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 CFT Services LLC / Phoenix Funding their Tax Sale Premium in the amount of \$26,000.00.

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 27th day of April, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of April, 2021.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-8 b	27/21
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

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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 13th 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 27th 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

JOHN G. DUCEY
MAYOR