

Brick Township Council
July 26, 2016
Caucus/Public Meeting
7:00 PM
Agenda No. 1

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press on January 8, 2016. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net). At this time please silence or turn off your cell phone.
3.
 - a. Roll Call.
 - b. Salute to the Flag/Pledge of Allegiance /Moment of Silence.
 - c. Approve Reports of Municipal Officers.
 - d. Approve Minutes of June 6, 2016 Meeting.
 - e. Presentations:
 1. Clean Ocean Action – Presentation of Municipal Blue Star Certification.
 2. Lynne Doral, President - Brick Garden Club

Consent Agenda

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

4. Resolutions:

- _____1. Authorize Cancellation of Grant Appropriated Reserves & Receivables.
 - _____2. Authorize Award of Bid - Sale of Mulch.
 - _____3. Authorize Award of Bid - Local Paving Program - Midstreams Section
 - _____4. Authorize Cancellation of Bayway Lumber Contract for Construction Supplies and Authorize Re-Bid.
 - _____5. Authorize Award of Bid - Demolition of Structures- Blk 1374, Lt 27, 126 So. Beverly Drive.
 - _____6. Amend Rates for Special Duty Assignments for Police Officers.
 - _____7. Authorize Suspension of Beach Vehicle Permits 2016-2017.
 - _____8. Authorize Special Events Permit – Manasquan River Club.
 - _____9. Authorize Special Events Permit – Jersey Shore Animal Center.
 - _____10. Authorize Special Events Permit – Brick Township Volunteer EMS.
 - _____11. Authorize Special Events Permit – Harbor Freight Tools.
 - _____12. Authorize 2016-2017 Retail Consumption Liquor License Renewal.
 - a. KB & RD LLC t/a Beacons 70.
 - _____13. Authorize Placement of Tax Liens for Property Clean-ups.
 - _____14. Bond Releases/Reductions:
 - a. Inspection Fund Release – Eagle River Consulting – Mantoloking Road.
 - _____15. Tax Collector:
 - a. Tax Overpayments – 2016.
 - b. State Tax Appeal Granted – Block 889 Lot 2 – 355 Cedarcroft Drive.
- *******End of Consent Agenda*******
- _____16. Bill Resolution – Computer 2016.
 - _____17. Bill Resolution – Manual 2016.

5. Ordinance on Second Reading:

- _____1. Amend Chapter 245 – Wireless Telecommunication Towers and Antennas.
(CARRIED TO AUGUST 23RD MEETING)

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

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

***** Next scheduled Caucus/Public meeting of the Township Council will be on Tuesday, August 9, 2016 at 7:00 p.m.**

RESOLUTION

WHEREAS, Pursuant to N.J.S.A. 40A:11-5(1)(s) lists the marketing of compost materials as an exemption and may be negotiated and awarded by the governing body without public advertising for bids; and

WHEREAS, formal proposals were solicited by the Office of Purchasing and Contracting for the Sale of approximately 5,000 cubic yards of Unscreened Mulch and 5,000 cubic yards of Screened Mulch stockpiled at the Department of Public Works, 836 Ridge Road, Brick N.J.; and

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

WHEREAS, the Director of Public Works has recommended the award of said proposal to the highest responsive and responsible bidders.

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 proposal for the sale of Unscreened Mulch stockpiled at the Brick Department of Public Works is hereby awarded to Carl Fraley & Son, Inc. 3540 Shafto Road, Tinton Falls, N.J. 07753 in the amount of \$1.68 per cubic yard.
2. That the proposal for the sale of Screened Mulch stockpiled at the Brick Department of Public Works is hereby awarded to Advanced Soil Technologies, 990 Cedar Bridge Avenue, Suite B7, Unit 175, Brick, N.J. 08723 in the amount of \$7.86 per cubic yard.
3. That the term of this contract shall conclude on December 31, 2016.
4. That a copy of this resolution shall be forwarded to Carl Fraley & Son, Advance Soil Technologies, Business Administrator, Acting Chief Financial Officer, Director of Public Works and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-2 | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, on April 7, 2015 the Governing Body awarded a two year contract to Bayway Lumber, 400 Ashton Ave., Linden NJ 07036 for Construction Supplies;

WHEREAS, the Purchasing Agent recently obtained information that Bayway Lumber is listed on the Federal Government Disbarment List; and

WHEREAS, the Purchasing Agent hereby recommends cancelling Bayway Lumber contract for Construction Supplies effectively immediately.

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 with Bayway Lumber, 400 Ashton Ave., Linden NJ 07036 for Construction Supplies is hereby cancelled in its entirety.
2. That the Division of Purchasing and Contracting is hereby authorized to prepare new bid specifications for the above mentioned project.
3. That a copy of this resolution shall be forwarded to Bayway Lumber, Business Administrator, Acting Chief Financial Officer, Director of Public Works and the Purchasing Agent
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.

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-4 | 7/26/16 |
| Agenda # | Date |
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RESOLUTION

WHEREAS, the Township Council authorized the Division of Purchasing and Contracting to receive bids for the Demolition of All Structures at Block 1374, Lot 27, 126 South Beverly Drive, Brick, N.J. 08724,

WHEREAS, the bids have been reviewed by the Construction Official; and

WHEREAS, the lowest bid is that of Brick Painting & Carpentry & Scott Builders, 3955, Herbertsville Road, Point Pleasant, N.J. 08742; in the following amounts,

Pool \$ 10,000.00;
Structure \$ 19,200.00;
Foundation \$ 48,000.00;
Slab, walkways, patios \$ 10,400.00;

TOTAL: \$ 87,600.00

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

The Division of Purchasing and Contracting is hereby authorized to enter into a contract for services with Brick Painting & Carpentry & Scott Builders in accordance with the Bid Specifications submitted;

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

| Agenda # | Date |
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| 4-5 | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
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RESOLUTION

WHEREAS, Chapter 460-3 of the Codified Ordinances of the Township of Brick provides for the issuance of seasonal permits to operate vehicles on Township beaches between October 1 and April 30; and

WHEREAS, due to ongoing beach revetment project and beach replenishment program, the Mayor and Township Council of the Township of Brick have determined that it would be inappropriate to issue beach vehicle access permits for the October 1, 2016 to April 30, 2017 period; 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. The Township Council of the Township of Brick does hereby suspend the issuance of beach vehicle permits issued pursuant to Code Section 460-3 period October 1, 2016 to April 30, 2017.

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-7 | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
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RESOLUTION

WHEREAS, The Manasquan River Club has applied for a special event permit to conduct a Flea Market on Saturday, September 24, 2016 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve Manasquan River Club's request for special event application to conduct a Flea Market at the Manasquan River Club, 217 Riverside Drive North on September 24, 2016 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 Manasquan River Club's request for special event application to conduct a Flea Market on September 24, 2016 between the hours of 9:00 am and 3:00 pm, with the conditions and restrictions as follows:

1. All fire lanes shall remain open and accessible at all times.
2. 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.
3. Barricades should be placed to provide separation from the proposed vendor spaces and the parking area.
4. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police, the Township Planner and The Manasquan River Club.

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

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| Agenda # | Date |
| 4-8 | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, Jersey Shore Animal Center has applied for a special event permit to conduct a 5th Annual Beach to Bay 5K on October 8, 2016 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve Jersey Shore Animal Center's request for a special event application to conduct a 5th Annual Beach to Bay 5K on October 8, 2016.

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 Animal Center's request for special event application to conduct a Beach to Bay 5K on October 8, 2016 starting and finishing at Brick Beach III between the hours of 7:00 am and 11:30 am, with the conditions and restrictions as follows:

- 1) All fire lanes and fire access and areas must remain open and accessible at all times.
- 2) The applicant shall hire two (2) Special Police Officers for traffic control duties.
- 3) Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present and will be responsible for the cleanup of such.
- 4) Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police, the Township Planner and the Jersey Shore Animal Center.

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-9 | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, Brick Township Volunteer EMS has applied for a special event permit to conduct an Open House and Safety Day on October 1, 2016 with a rain date of October 2, 2016 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve Brick Township Volunteer EMS' request for special event application to conduct an Open House and Safety Day at 500 Aurora Drive on October 1, 2016 with a rain date of October 2, 2016 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 the Brick Township Volunteer EMS' request for a special event permit to conduct an Open House and Safety Day on October 1, 2016 between the hours of 11:00 am and 3:00 pm, at 500 Aurora Drive with the conditions and restrictions as follows:

1. All fire lanes and fire access and areas and store exits must remain open and accessible at all times. No obstruction of the pedestrian crosswalk/sidewalk access shall be permitted.
2. 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.
3. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

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

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-10 | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, Harbor Freight Tools has applied for a special event permit to conduct a Parking Lot Tool Tent Sale on August 19, 20 and 21, 2016 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve Harbor Freight Tools request for special event application to conduct a Parking Lot Tool Tent Sale at 2770 Hooper Avenue on August 19-21, 2016 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 Harbor Freight Tools request for special event application to conduct a Parking Lot Tool Tent Sale on August 19-21, 2016 between the hours of 8:00 am and 9:00 pm, at 2770 Hooper Avenue with the conditions and restrictions as follows:

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

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

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # 4-11 | Date 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, the Township Council previously awarded for the period commencing July 1, 2015 to June 30, 2016 certain plenary retail consumption licenses and certain plenary retail distribution licenses and also certain club licenses; and

WHEREAS, the Township Council makes the following findings with respect to the 2016 to 2017 renewal application submitted to them:

1. The submitted application forms are complete in all respects and the proper fees have been collected.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.
3. The applicants have disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the licenses and the licensed premises and/or any additional financing obtained in the previous licensed term for the use in the licensed business.

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

That all plenary retail consumption licenses, plenary retail distribution licenses and club licenses named in the attached schedule be and are hereby renewed for the period commencing July 1, 2016 to June 30, 2017 in the Inactive Status.

PLENARY RETAIL CONSUMPTION LICENSES:

1. KB & RD LLC 1506-33-012-012
t/a Beacons 70
799 Route 70
Brick, NJ 08723

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

| Agenda # | Date |
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| 4-12 | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

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

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

451 1st. Ave. – Block 1226 / Lot 589 - \$111.85
560 Oregon Ave. – Block 1403.02 / Lot 35 - \$62.34
110 Mizzen Road – Block 324.29 / Lot 10 - \$62.34

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

451 1st. Ave. – Block 1226 / Lot 589 - \$111.85
560 Oregon Ave. – Block 1403.02 / Lot 35 - \$62.34
110 Mizzen Road – Block 324.29 / Lot 10 - \$62.34

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 Mayor and 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 property located at

451 1st. Ave. – Block 1226 / Lot 589 - \$111.85
560 Oregon Ave. – Block 1403.02 / Lot 35 - \$62.34
110 Mizzen Road – Block 324.29 / Lot 10 - \$62.34

- 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, 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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

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| Agenda # | Date |
| 4-13 | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Township Clerk by letter dated July 7, 2016 that there is \$510.30 remaining in the engineering inspection fund from Eagle River Consulting, 60 Cedar Hill Lane, Media, PA 19063 for 535 Mantoloking Road (Cell Tower- Block 190 Lot 14 BA-2612) in the Township of Brick; and

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

WHEREAS, the Assistant Township Engineer recommends that the \$510.30 (plus interest if applicable) remaining in the engineering inspection fund be returned to the applicant; and

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

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

1. That the \$510.30 (plus interest if applicable) remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
 - a. Assistant Township Engineer
 - b. Chief Finance Officer
 - c. Applicant

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-14 | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2016.

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> |
|-------------------------------------|-------------------------------|---------------|
| 378.15/9/207668 66 Queen Ann Rd. | Leonard, Lynn & Stephen A Sr. | \$ 343.90 |

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-15 a | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments for the year 2013-2015 on Block 889, Lot 2, Account #415965, 355 Cedarcroft Dr. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2013 and 2014 from 1,616,300 to 1,350,000 and for 2015 and 2016 from 1,616,300 to 1,200,000.

WHEREAS, refunds are to be issued pursuant to the listing below.

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

| <u>Block/Lot/Account #</u> | <u>Name</u> | <u>Amount</u> |
|----------------------------|----------------------------|-------------------------|
| 889/2/415965 | Arcuri, Nicolas & Kathleen | \$ 5,531.05-2013 |
| 355 Cedarcroft Dr. | | \$ 5,634.91-2014 |
| | | <u>\$ 8,883.84-2015</u> |
| | | \$20,049.80 |

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 July 26, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of July, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-15b | 7/26/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

ORDINANCE

**AN ORDINANCE OF THE TOWNSHIP OF BRICK,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE TOWNSHIP
CODE OF THE TOWNSHIP OF BRICK, SO AS TO
AMEND CHAPTER 245, ENTITLED "WIRELESS
TELECOMUNICATION TOWERS AND ANTENNAS"**

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

SECTION 1. § 245 of the Township Code of the Township of Brick captioned "Wireless Telecommunication Towers and Antennas" is hereby amended and supplemented to provide regulations applicable to the modification of preexisting wireless telecommunication towers and antennas. The amended section 245-276 shall read as follows:

O. Modifications Constituting a Substantial Change. A proposed modification to a preexisting tower or antenna shall constitute a new application for a tower subject to the provisions of this Chapter if the modifications to the preexisting tower or antenna involves a substantial change to a preexisting tower or antenna. A proposed modification shall constitute a substantial change to a preexisting tower or preexisting antenna if it meets any of the following criteria:

- (1) for towers outside of public rights-of-way, it increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for those towers in the rights-of-way and for all base stations, it increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater;
- (2) for towers outside of public rights-of-way, it protrudes from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all base stations, it protrudes from the edge of the structure more than six feet;
- (3) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- (4) it entails any excavation or deployment outside the current site of the structure;
- (5) it would defeat the existing concealment elements of the structure; or
- (6) it does not comply with conditions associated with the prior approval of construction or modification of the structure unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds identified above.

Any such change shall be determined by measuring the change from the dimensions of the structure as originally approved or as of the most recent modification that received local zoning or similar regulatory approval prior to the passage of the Middle Class Tax Relief and Job Creation Act of 2012 (February 22, 2012), whichever is greater.

P. Applications that Do Not Substantially Modify Preexisting Towers or Preexisting Antennas

| | |
|----------|---------|
| Agenda # | Date |
| 5-1 | 6/21/16 |
| Agenda # | Date |
| 5-1 | 7/22/16 |
| Agenda # | Date |
| | |
| Agenda # | Date |

(1) Required Documentation for Applications. An applicant requesting approval for a collocation, modification, removal, or replacement of equipment at a preexisting wireless communications tower, base station, or other facility on which wireless communications equipment is located, that does not substantially change the dimensions of the existing structure, shall submit the following documentation to the Township Engineer and the Township Land Use Planner for review:

(a) A completed land use application.

(b) A location plan drawn to scale and clearly indicating the location, type and height of the proposed equipment, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within two hundred (200) feet of the property which is the subject of the application, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, and parking.

(c) A legal description of the parent tract and leased parcel (if applicable).

(d) The finished color and, if applicable, the method of camouflage and illumination of the existing structure and equipment;

(e) The finished color and, if applicable, the method of camouflage and illumination of the proposed structure and equipment

(f) A description of the proposed equipment's compliance with all applicable federal, state or local laws.

(g) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.

(h) A description of the type and quantity of equipment to be installed.

(i) A description of the number and size of any equipment cabinets to be installed on the tower or base station.

(j) A description of the number and size of any equipment cabinets to be installed on the ground.

(k) A description of any excavation required.

(l) A description of the change in tower height as a result of the proposed collocation, removal, or replacement.

(m) A description of the change in the height of any other structure as a result of the proposed collocation, removal, or replacement.

(n) A description of the change in width of the tower or structure at the height of the proposed collocation, removal, or replacement.

(o) A description of the proximity of the equipment to any other equipment on the same structure and of the visibility of the proposed equipment from the surrounding property.

(p) A description of the noise level emitted by any proposed equipment.

2. Review of Applications. Applications submitted under this subsection shall be reviewed by the Township Engineer and the Township Land Use Planner pursuant to the following:

(a) Timeframe for Review. The Township Engineer and the Township Land Use Planner shall determine whether an application for collocation, removal, or replacement of equipment at a preexisting wireless communications tower or antennas constitutes a substantial change pursuant within 60 days of receipt of the application. Applications that do not substantially change the tower or base station shall be approved within this time period. This 60 day period may be extended by mutual agreement of the applicant and either the Township Engineer or the Township Land Use Planner.

(b) Incomplete Applications. The Township Engineer or the Township Land Use Planner may toll the 60-day timeframe for review of the application by notifying the applicant, within 30 days of receipt of submission of an application, that the application is incomplete. Such notification shall set forth all outstanding information, as well as the applicable code provision, ordinance, application instruction, or publicly-stated procedure requiring the information to be submitted. The 60-day timeframe shall begin again upon receipt of the supplemental submission.

(c) Subsequent Incomplete Applications. The Township Engineer or the Township Land Use Planner may thereafter toll the 60-day timeframe by notifying the applicant, within 10 days of receipt of the supplemental submission that the applicant did not provide the information identified in the original notice delineating missing information. Second or subsequent notices of incompleteness may not specify missing documents or information not previously delineated in the original notice of incompleteness.

(d) Complete Applications. The Township Engineer and the Township Land Use Planner shall, within the 60-day timeframe, approve all complete applications for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station that do not constitute a substantial change to a preexisting wireless tower or antennas and that do not otherwise violate applicable health and safety requirements. If the Township Engineer and the Township Land Use Planner determine that an application constitutes a substantial change to an existing wireless communications tower or base station, they shall notify the applicant of same, and proceed to consider the application according to the provisions of this Chapter;

(e) Applications on Improper Towers. Notwithstanding the above, the Township Engineer and the Township Land Use Planner are not obligated to approve an application for collocation, removal, or replacement of equipment on a tower or base station that was constructed or deployed without proper review, was not required to undergo siting review, or does not support transmission equipment that received another form of affirmative State or local regulatory approval.

(f) Failure to Act. If the Township Engineer and the Township Land Use Planner do not approve or deny an application for collocation, removal, or replacement of equipment at an existing wireless communications tower or base station within 60 days of receipt of the application or any applicable tolling periods thereafter, the applicant may notify the Township Engineer or the Township Land Use Planner in writing that the review period has expired. Upon the Township Engineer or the Township Land Use Planner's receipt of this notice from the applicant, the application shall be deemed granted.

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 21st day of June, 2016, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 26th day of July, 2016 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