

**Brick Township Council  
November 1, 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 Minutes of September 19, 2016 Meeting.
  - d. Presentations:
    1. NJDEP Outstanding Achievement in Recycling Award – Trish Totaro.
    2. Sustainable Brick Township – John Hyfantis.

**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 Budget Appropriation Transfers.
- \_\_\_ 2. Authorize Insertion of Chapter 159 - Body Worn Camera Grant.
- \_\_\_ 3. Authorize Cancellation of Grant Appropriated Reserves and Receivables.
- \_\_\_ 4. Authorize Receipt of Bids – Roadway Improvements – Riviera Beach – Phase 1.
- \_\_\_ 5. Authorize Rejection of Bids & Re-Bid – HVAC Units at Civic Plaza.
- \_\_\_ 6. Authorize Donation of Surplus Property to Brick Township Board of Education.
- \_\_\_ 7. Authorize Change Order No. 1 Final – Roadway Improvements – Cedarwood Park West.
- \_\_\_ 8. Authorize a Continuing Disclosure Certificate in Connection with the Issuance of Bonds by the BTMUA.
- \_\_\_ 9. Authorize Appointment – One Member and Two Alternate Members to the Property Maintenance Board.
- \_\_\_ 10. Authorize Receipt of Bids – Consumption Liquor License.
- \_\_\_ 11. Authorize Release of Performance Guarantees for Parkview Estates.
- \_\_\_ 12. Bond Releases/Reductions:
  - a. Inspection Fund Release – Lombardi & Lombardi – Chambers Bridge Road.
  - b. Inspection Fund Release – Solon Karakoglou – Princess Avenue.
  - c. Inspection Fund Release – A-1 Black Top, LLC – Greenbriar I.
  - d. Inspection Fund Release – Winding River Village Association – Skyline Drive.
- \_\_\_ 13. Tax Collector:
  - a. Tax Overpayments – 2016.
  - b. Cancellation of Tax Title Lien – Block 224.14 Lot 10
  - c. State Tax Appeal Granted – Block 44.13 Lot 8 – 344 Bay Lane.
  - d. State Tax Appeal Granted – Block 45.04 Lot 63 – 248 Squan Beach Drive.
  - e. State Tax Appeal Granted – Block 45.07 Lot 33 – 275 Curtis Point Drive.
  - f. State Tax Appeal Granted – Block 864 Lot 1.06 – 79 Fairview Avenue.
  - g. State Tax Appeal Granted – Block 921 Lot 3 – 557 Princeton Avenue.
  - h. State Tax Appeal Granted – Block 921 Lot 10 – 539 Princeton Avenue.

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

- \_\_\_ 14. Bill Resolution – Computer 2016.
- \_\_\_ 15. Bill Resolution – Manual 2016.

5. Ordinance on Second Reading:

- \_\_\_ 1. Amend Chapter 110 – Fees and Dates for Winter Storage of Boats at Trader's Cove Park & Marina.

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 Monday, November 14, 2016 at 7:00 p.m.

**RESOLUTION**

**WHEREAS**, a review of the disbursements and commitments against the 2016 budget has disclosed the necessity for certain adjustments to the budget appropriations; and,

**WHEREAS**, N.J.S.A. 40A:4-58 authorizes transfers during the last two months of any fiscal year.

**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 following transfers between certain 2016 Budget appropriations be and the same are hereby authorized:

**GENERAL APPROPRIATIONS WITHIN/OUTSIDE CAP**

**Transferred To:  
Salary and Wages**

Administration	\$	50,000.00
Tax Collector	\$	15,000.00
Affordable Housing	\$	2,000.00
Board of Adjustment	\$	6,000.00
Code Enf./Inspections	\$	155,000.00
Other Code	\$	50,000.00
Dispatch 911	\$	2,000.00
Sanitation	\$	142,000.00
Buildings & Grounds	\$	38,000.00
Recreation	\$	40,000.00
Parks	\$	57,000.00
Court	\$	2,000.00
Social Security	\$	85,000.00
EMT	\$	215,000.00
<b>Subtotal</b>	<b>\$</b>	<b><u>859,000.00</u></b>

**Transferred To:  
Other Expenses**

Affordable Housing	\$	15,000.00
<b>Subtotal</b>	<b>\$</b>	<b><u>15,000.00</u></b>

**Total Transferred To** **\$ 874,000.00**

**Transferred From:  
Salary and Wages**

Human Resources	\$	20,000.00
Mayor	\$	15,000.00
Council	\$	5,000.00
Treasurer	\$	5,000.00
Data Processing	\$	55,000.00
Assessor	\$	60,000.00
Engineering	\$	90,000.00
Planning Board	\$	10,000.00
Land Use	\$	75,000.00
Police	\$	379,000.00
Special Police	\$	30,000.00
Crossing Guards	\$	20,000.00
Vehicle Maintenance	\$	60,000.00
Senior Citizen	\$	5,000.00
Beach	\$	30,000.00
<b>Subtotal</b>	<b>\$</b>	<b><u>859,000.00</u></b>

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**Transferred From:**  
***Other Expenses***

Buildings & Grounds \$ 15,000.00

*Subtotal* \$ 15,000.00

*Total Transferred From* \$ 874,000.00

**CERTIFICATION**

I, Lynnette Iannarone, I Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick on November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November 2016.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND  
APPROPRIATION NJS 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that Township Council of the Township of Brick in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of 2016 in the amount of \$112,500 which is now available from the U.S. Department of Justice – Bureau of Justice Assistance – Body Worn Camera Grant.

**BE IT FURTHER RESOLVED** that, the like sum of \$112,500 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – Body Worn Camera Grant.

**BE IT FURTHER RESOLVED**, that the above is the result of funds received from the U.S. Department of Justice – Bureau of Justice Assistance – Body Worn Camera Grant in the amount of \$112,500.

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

Agenda #	Date
4-2	11/1/16
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**RESOLUTION**

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

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

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

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

The Grants Receivable balances as reflected below are hereby canceled:

Pumpout Boat 2015	\$11,360.41
Pumpout Boat 2015 (to fund balance)	1,249.42
Zoning Code Enforcement 2014	3,448.29
OEM 2016	158.30
OEM 2016 (to fund balance)	<u>3.45</u>
	<u>\$16,219.87</u>

The Appropriated Reserve balances as reflected below are hereby canceled:

Pumpout Boat 2015	\$11,360.41
Zoning Code Enforcement 2014	3,448.29
OEM 2016	<u>158.30</u>
	<u>\$14,967.00</u>

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

**CERTIFICATION**

I, Lynnette Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the forgoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick on November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

\_\_\_\_\_  
LYNNETTE IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-3	11/1/16
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**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:

**ROADWAY IMPROVEMENTS TO RIVIERA BEACH – PHASE I**

**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, Maser Consulting, 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 1<sup>st</sup> day of November, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

Agenda #	Date
4-4	11/1/16
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**RESOLUTION**

**WHEREAS**, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the Replacement of HVAC Units at Civic Plaza on September 29, 2016; and

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

**WHEREAS**, pursuant to N.J.S.A. 40A:11-13.2(d) requires that all bids be rejected if the governing body of the contracting unit decides to substantially revise the specifications for the goods or services; and

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

1. In accordance with N.J.S.A 40A:11-13.2(d), all bids for Replacement of HVAC Units at Civic Plaza received on September 29, 2016 are hereby rejected.
2. That the Division of Purchasing and Contracting is hereby authorized to prepare new bid specifications for the above mentioned project.
3. That the Division of Purchasing and Contracting is hereby authorized to advertise for the re-bid of Replacement of HVAC Units at Civic Plaza.
4. That a copy of this resolution shall be forwarded to all bidders, Business Administrator, Chief Financial Officer, Director of Public Works and the Purchasing Agent.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 1<sup>st</sup> day of November, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	// Date
4-5	11/1/16
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**RESOLUTION FOR THE SALE OR OTHER DISPOSITION  
OF PERSONAL PROPERTY**

**WHEREAS**, the Township of Brick has deemed certain items in its inventory to be surplus property no longer needed for public use and wishes to eliminate its surplus property, specifically a 2010 Ford Crown Victoria, VIN #2FABP7BV9AX100340; and

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

**WHEREAS**, the Brick Township Board of Education, 101 Hendrickson Avenue, Brick, N.J. 08724. is interested in acquiring this vehicle, which is deemed surplus, from the Township of Brick.

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

1. The Mayor and Administrator are authorized to enter into an Agreement with the Brick Township Board of Education, 101 Hendrickson Avenue, Brick, N.J. 08724 to donate a 2010 Ford Crown Victoria, VIN #2FABP7BV9AX100340, which is deemed no longer needed for public use.
2. The property so described shall be picked up from the Township of Brick and be conveyed, at a mutually agreed time, to the Brick Township Board of Education, 101 Hendrickson Avenue, Brick, N.J. 08724 at its sole expense.
3. This Resolution shall be effective upon the Brick Township Board of Education receipt from the Township of Brick, a fully executed Agreement for the donation of a 2010 Ford Crown Victoria, VIN #2FABP7BV9AX100340.
4. A certified copy of this Resolution shall be sent to the Brick Township Board of Education, Business Administrator, Chief Financial Officer, Police Chief, Risk Manager, Director of Public Works, Purchasing Agent and kept on file in the Office of the Clerk.

**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 1<sup>st</sup> day of November, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

Agenda #	Date
4-6	11/1/16
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**Change Order Resolution No. 1 - Final**

**WHEREAS**, it has come to the attention of the governing body of the Township of Brick that a Change Order representing as built quantity adjustment is needed to successfully complete the **Roadway Improvements to Cedarwood Park West Project**; and

**WHEREAS**, in accordance with N.J.S.A. 5:30 14.4, the Business Administrator has recommended that Change Order No. 1 - Final be authorized and that the contract issued to **Esposito Construction LLC, 34 Birch Street, Old Bridge, NJ 08857** be decreased by \$87,756.52 and the contract be commensurately decreased from \$728,789.50 to \$641,032.98.

**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 Change Order No. 1 Final is hereby authorized as stated above.
2. That a certified copy of this resolution shall be forwarded to Esposito Construction, Business Administrator, CME Associates, Township Engineer, Chief Financial Officer and the Purchasing Agent.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 1<sup>st</sup> day of November, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

Agenda #	Date
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**RESOLUTION**

**RESOLUTION AUTHORIZING A CONTINUING  
DISCLOSURE CERTIFICATE IN CONNECTION WITH THE  
ISSUANCE OF BONDS BY THE BRICK TOWNSHIP  
MUNICIPAL UTILITIES AUTHORITY**

**WHEREAS**, The Brick Township Municipal Utilities Authority (the Authority") has adopted a supplemental resolution on October 24, 2016 authorizing the issuance of the Authority's Revenue Bonds, Series 2016A in an amount not to exceed \$26,500,000 for the purpose of permanently financing certain capital projects of the Authority and its Revenue Refunding Bonds, Series 2016B in an amount not to exceed \$17,000,000 for the purpose of refunding the Authority's outstanding Revenue Refunding Bonds (Series 2006) (collectively, the "Authority's 2016 Bonds"); and

**WHEREAS**, the Township of Brick, in the County of Ocean, New Jersey (the "Township"), has heretofore entered into a Service Contract dated as of October 1, 1971 with the Authority providing for the payment of certain Annual Charges thereunder; and

**WHEREAS**, Rule 15c2-12 of the Securities and Exchange Commission requires that any broker, dealer or municipal securities dealer acting as an underwriter for the Authority's 2016 Bonds comply with the requirements of Rule 15c2-12; and

**WHEREAS**, Rule 15c2-12 requires, among other things, that a participating underwriter purchasing bonds determines that an "obligated person" (within the meaning of Rule 15c2-12) has undertaken, in a written agreement for the benefit of the bondholders, to provide certain information relating to such "obligated person"; and

**WHEREAS**, the Township will be an "obligated person" with respect to the Authority's 2016 Bonds within the meaning of Rule 15c2-12 and desires to authorize the execution, delivery and performance of a Continuing Disclosure Certificate in connection with the issuance of the Authority's 2016 Bonds.

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

**Section 1.** A Continuing Disclosure Certificate in substantially the form attached hereto as Exhibit A (the "Continuing Disclosure Certificate") is hereby approved, and the Chief Financial Officer is hereby authorized and directed to execute and deliver the Continuing Disclosure Certificate on behalf of the Township in substantially such form, with such insertions and changes therein as the Chief Financial Officer may approve, such approval to be evidenced by his or her execution thereof.

**Section 2.** This Resolution shall take effect immediately.

**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 1<sup>st</sup> day of November, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

**RESOLUTION**

**WHEREAS**, there exists in the Township of Brick the authority to issue one (1) additional Plenary Retail Consumption License for the sale of alcoholic beverages; and

**WHEREAS**, the Township Council has determined to offer by public bidding, as authorized by N.J.S.A. 33:1-19.3, one (1) Plenary Retail Consumption License with qualifications in accordance with this Resolution.

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

1. All bidders must be qualified to have an interest in a retail license under the standards set forth in the Alcoholic Beverage Control Act and regulations thereunder, N.J.S.A. 33:1-1 et. seq. and any applicable municipal ordinances.
2. That the Township Clerk shall publish notice of the proposed issuance of the alcoholic beverage license indicating that the applications therefore will be accepted by the Township Council at the time, date, and place specified in the notice, after which no further applications will be accepted.
3. That said notice shall be published in a newspaper circulating generally in the municipality at least two (2) times, at least one week apart, the second of which shall be at least thirty (30) days prior to the date of the sale.
4. The minimum bid price for the alcoholic beverage license authorized by this Resolution shall be \$500,000.00. All bidders shall submit in cash or certified check 10% of the amount of the bid. The bidder whose bid is accepted shall, within 10 days after the acceptance of the bid, submit to the Township in cash or certified check the balance of the amount of the bid, which sum shall be held in an interest-bearing account, with said interest payable to the Township until such time as the license is transferred to the bidder at which time the said sum and all interest shall be paid to the Township.
5. Each license issued must be used as part of a restaurant operation, which is defined by the Alcoholic Beverage Law, N.J.S.A. 33:1-1(t) as, "(a)n establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food for its customers and in which no other business, except such as is incidental to such establishment, is conducted." The premises shall contain at least one hundred (100) seats for the consumption of this food and the total length of available bar space shall be no more than twenty-five (25) seats.
6. The Township Clerk shall review all applications for the license to ascertain that the applicant is qualified under New Jersey Statutes pertaining to intoxicating liquors, the Rules and Regulations promulgated by the Alcoholic Beverage Control Commission (ABC), and this Resolution. All bids shall be submitted in a sealed envelope marked "Plenary Retail Consumption License Bid." In a separate envelope marked "Qualification Materials," the bidder shall submit the application for license. The envelopes will be submitted together. The Township Clerk, as agent of The Township Council, shall determine which bidders are qualified no later than five (5) days prior to opening the bids and shall thereupon publicly announce no later than five (5) days prior to opening the bids those applicants who qualify for bidding as fixed by law, rules, regulations, and this Resolution. No envelopes with bids shall be opened from or on behalf of any prospective bidder who does not qualify.
7. The license will be awarded to the highest qualified bidder. The Township reserves the right to reject any and all bids if the highest bid is not accepted.

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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 LYNNETTE A. IANNARONE  
 TOWNSHIP CLERK

**RESOLUTION**

**RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE POSTED BY FIRST INDEMNITY OF AMERICA INSURANCE COMPANY IN THE AMOUNT OF \$413,298.43 FOR THE COMPLETION OF SITE IMPROVEMENTS AT THE PARKVIEW ESTATES SUBDIVISION LOCATED AT TAX BLOCK 755, LOTS 34 AND 35 AND PAYMENT FOR INSPECTION FEES FROM THE CASH SURETY**

**WHEREAS**, the Parkview Estates subdivision is located at Tax Block 755, Lots 34 and 35, on Regina Drive in the Township of Brick, Ocean County, New Jersey, and consists of 20 approved single-family residential lots; and

**WHEREAS**, by Resolution R-60-99 dated July 14, 1999, the Brick Township Planning Board granted preliminary major subdivision approval to Edison Development Group for the Parkview Estates subdivision ("Parkview Estates"); and

**WHEREAS**, by Resolution R-98-01 dated October 10, 2001, the Brick Township Planning Board granted final major subdivision approval to Parkview Estates at Brick, LLC for the Parkview Estates subdivision; and

**WHEREAS**, as a condition of subdivision approval and pursuant to N.J.S.A. 40:55D-53, the Township of Brick required the posting of a performance guarantee for the completion of the site improvements identified in an engineer's estimate dated September 14, 2000; and

**WHEREAS**, the performance guarantee was satisfied by Bond No. S05454 in the amount of \$413,298.43 ("Bond") issued by First Indemnity of America Insurance Company ("FIA"), as surety for Parkview Estates, LLC, as principal ("Developer"); and

**WHEREAS**, the Developer failed to complete the required site improvements at the Parkview Estates subdivision; and

**WHEREAS**, the Township of Brick declared the Developer to be in default based upon its failure to complete the site improvements and demanded that FIA undertake the completion of the site improvements at the property in accordance with the Bond; and

**WHEREAS**, FIA agreed to undertake the completion of the required site improvements at the Parkview Estates subdivision and entered into a Subdivision Takeover Agreement with the Township for the completion of the outstanding site improvements; and

**WHEREAS**, FIA entered into an agreement with Stilo Excavating, Inc., a/k/a Stilo Paving & Excavating, for the performance of the work; and

**WHEREAS**, by letter dated September 29, 2016, the Assistant Township Engineer has advised that the improvements have been completed and are acceptable; and

**WHEREAS**, the Assistant Township Engineer recommends that the First Indemnity of America Performance Bond No. S05454 in the amount of \$413,298.43 be released; and

**WHEREAS**, the Assistant Township Engineer further recommends that \$5,179.69 be retained by the Township from the cash surety to pay for outstanding inspection fees and that the remaining \$40,742.35 of the cash performance guarantee be paid to FIA; 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:

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1. That First Indemnity of America Insurance Company ("FIA") Bond No. S05454 in the amount of \$413,298.43 and \$40,742.35 of the cash performance guarantee be released to FIA; and
2. That the Township Clerk shall forward certified copies of this Resolution to the following:
  - a. Chief Financial Officer;
  - b. Assistant Township Engineer; and
  - c. First Indemnity of America Insurance Company.

#### **CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council held on November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of the Township this 1<sup>st</sup> day of November, 2016.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION**

**WHEREAS**, the Assistant Township Engineer has notified the Township Clerk by letter dated October 12, 2016 that there is \$524.01 remaining in the engineering inspection fund from Lombardi & Lombardi, 1862 Oak Tree Road, Edison, NJ 08818 for Block 702.07 Lot 5, 119 Chambers Bridge Road 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 \$524.01 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 \$524.01 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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

Agenda #	Date
4-12.a	11/1/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Assistant Township Engineer has notified the Township Clerk by letter dated October 24, 2016 that there is \$399.76 remaining in the engineering inspection fund from Solon Karakoglou, 1505 Princess Avenue, Brick, NJ 08724 for Block 1194 Lot 27, 1505 Princess Avenue 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 \$399.76 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 \$399.76 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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

Agenda #	Date
4-126	11/1/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Assistant Township Engineer has notified the Township Clerk by letter dated October 24, 2016 that there is \$80.34 remaining in the engineering inspection fund from A-1Black Top, LLC, 103 Suburban Drive, Toms River, NJ 08753 for Block 1192.10 Lot 1, Greenbriar I 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 \$80.34 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 \$80.34 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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

Agenda #	Date
4-12c	11/1/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Assistant Township Engineer has notified the Township Clerk by letter dated October 24, 2016 that there is \$136.08 remaining in the engineering inspection fund from Winding River Village Association, 100 Skyline Drive, Brick, 08724 for Block 1383 Lot 7 & 9, 100 Skyline Drive 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 \$136.08 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 \$136.08 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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

Agenda #	Date
4-12d	11/1/16
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>
1107/1.02/519757 276 Ashland St.	Agoe, Elizabeth	\$ 211.40

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

\_\_\_\_\_  
LYNNETTE A. IANARONE  
TOWNSHIP CLERK

Agenda #	Date
4-13a	11/1/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Jo Anne R. Lambusta, Tax Collector for the Township of Brick requests that the Township Council authorize the cancellation of Tax Title Liens listed below due to the property being deeded to the United States of America.

**WHEREAS**, it is the desire of the Mayor and Township Council to authorize the cancellation of Tax Title Liens listed 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 Mayor and Council do hereby authorize the cancellation of tax title liens and the Tax Collector be authorized to delete them from her records.

<u>Block/Lot/Account #</u>	<u>Cert. #</u>	<u>Name</u>
224.14/10/204484	2015-53	Merkle

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

\_\_\_\_\_  
LYNNETTE A. IANARONE  
TOWNSHIP CLERK

Agenda #	Date
4-136	11/1/16
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 2015 on Block 44.13, Lot 8, Account # 100826, 344 Bay Lane due to State Appeals being granted; and as the State Appeal reduces the assessment for 2015 from 1,164,100 to 1,055,700.

**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>
44.13/8/100826 344 Bay Lane	Jacobus & Assoc LLC Trustee for Hindelong	\$ 2,299.16

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

\_\_\_\_\_  
LYNNETTE A. IANARONE  
TOWNSHIP CLERK

Agenda #	Date
4-13c	11/1/16
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 2015 on Block 45.04, Lot 63, Account # 101002, 248 Squan Beach Dr. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2015 from 2,482,800 to 2,282,000.

**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>
45.04/63/101002 248 Squan Beach Dr.	Jacobus & Assoc LLC Trustee for Lesniak	\$ 4,258.97

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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LYNNETTE A. IANARONE  
TOWNSHIP CLERK

Agenda #	Date
4-13d	11/1/16
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 2015 on Block 45.07, Lot 33, Account # 101092, 275 Curtis Point Dr. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2015 from 1,783,700 to 1,615,000.

**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>
45.07/33/101092 275 Curtis Point Dr.	Jacobus & Assoc LLC Trustee for Reading	\$ 3,578.13

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

\_\_\_\_\_  
LYNNETTE A. IANARONE  
TOWNSHIP CLERK

Agenda #	Date
4-13e	11/1/16
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 2015 on Block 864, Lot 1.06, Account # 417443, 79 Fairview Ave. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2015 from 1,316,100 to 1,145,000.

**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>
864/1.06/417443 79 Fairview Ave.	Jacobus & Assoc LLC Trustee for Howlett	\$ 3,629.03

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

\_\_\_\_\_  
LYNNETTE A. IANARONE  
TOWNSHIP CLERK

Agenda #	Date
4-13	11/1/16
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 and 2015 Block 921, Lot 3, Account # 517291, 557 Princeton Ave. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2015 from 1,137,900 to 930,900.

**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>
921/3/517291 557 Princeton Ave.	Jennifer Jacobus, Esq Att for Gibbons, John & Michelle	\$ 4,390.47

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

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

Agenda #	Date
4-13a	11/1/16
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 2015 and 2016 on Block 921, Lot 10, Account # 517301, 539 Princeton Ave. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2015 and 2016 from 1,028,900 to 700,000.

**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>
921/10/517301	Jennifer Jacobus, Esq Att for	\$ 7,018.73-2015
539 Princeton Ave.	Feury, Jeanne	<u>\$ 1,930.38-2016</u>
		\$ 8,949.11

**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 November 1, 2016.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 1<sup>st</sup> day of November, 2016.

\_\_\_\_\_  
LYNNETTE A. IANARONE  
TOWNSHIP CLERK

Agenda #	Date
4-13h	11/1/16
Agenda #	Date
Agenda #	Date
Agenda #	Date

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING TOWNSHIP CODE CHAPTER 110 TO SET FEES AND DATES FOR THE WINTER STORAGE OF BOATS AT TRADER'S COVE PARK AND MARINA

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. The Township Code of the Township of Brick is hereby amended and supplemented in Chapter 110-18.1 entitled "Marina Fees," to establish fees and dates for the winter storage of boats at Trader's Cove Park and Marina. Chapter 110-18.1 shall be amended to add a new subsection A(6), which shall read as follows:

§ 110-18.1. Marina Fees.

A. The following fee range is established for use of Trader's Cove Marina and Park. All customers must present proof of insurance and current registration on the vessel.

- (6) Winter boat storage fee:
  - a. Thirty dollars (\$30) per foot for summer slip customers
  - b. Thirty-two dollars (\$32) per foot for non-summer slip customers

Winter boat storage will be available between September 15 and May 15. The owner of any boat not removed from winter storage by the Friday before Memorial Day shall be charged a flat fee of \$500, plus \$100 per day for each day thereafter until the boat is removed. Such fees shall be paid prior to the removal or launch of any boat in winter storage.

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 18<sup>th</sup> day of October, 2016, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 1<sup>st</sup> day of November, 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

Agenda #	10/18/16
5-1	
Agenda #	11/1/16
5-1	
Agenda #	Date