

Brick Township Council
May 17, 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. Presentations:
 1. Students of the Month.
 2. PILOT Check Presentation – Homes Now, Inc., to the Township of Brick.
 3. Kevin Batzel – 2016 Fire Protection Inspector of Year; Richard Orlando, 2015 Fire Protection Inspector of the Year.
 4. National Emergency Medical Services Week – May 15-21st.
 5. Traders Cove Restaurant.

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. Recognize Kevin Batzel – 2016 Fire Protection Inspector of the Year.
- ___ 2. Recognize Richard Orlando – 2015 Fire Protection Inspector of the Year.
- ___ 3. Recognize National Emergency Medical Services Week – May 15-21st.
- ___ 4. Authorize Cancellation of Stale Dated Checks – Municipal Court.
- ___ 5. Authorize Receipt of Bids – 2016 Local Roadway Paving & Drainage Program – Northern Cedarcroft.
- ___ 6. Authorize Receipt of Bids – Roadway Improvements to Isolated Streets.
- ___ 7. Authorize Receipt of Bids – Vehicle Repairs.
- ___ 8. Authorize Award of Bid – Rental & Laundry of DPW Uniforms, Purchase & Delivery of T-Shirts and Miscellaneous Shop Supplies.
- ___ 9. Authorize Award of Proposal – Fair & Open Process – Planning Service Pool.
- ___ 10. Authorize Award of Bid – SummerFest Food Truck.
- ___ 11. Authorize Purchase & Delivery of Day Care/Pre School Playroom Equipment through US Communities National Cooperative.
- ___ 12. Authorize Rejection of Bids – Fall Harvest Festival Concession Coordinator.
- ___ 13. Amend Professional Accountant Services Contract.
- ___ 14. Designate Redeveloper and Authorize Agreement – Waterfront Restaurant at Traders Cove.
- ___ 15. Authorize Execution of Settlement Agreement and Release with Earle Asphalt – 2010 Road Program.
- ___ 16. Authorize Class I Officers to attend Ocean County Police Academy.
- ___ 17. Authorize Special Events Permit – PC Richard & Son Tent Sale Event.
- ___ 18. Authorize Special Events Permit – Green Cove Marina Family Fun Day.
- ___ 19. Authorize Special Events Permit – Jersey Shore Marina Customer Appreciation Event.
- ___ 20. Tax Collector:
 - a. Tax Overpayments – 2016.
 - b. Redemption of Tax Sale Certificates.
 - c. Cancel Tax Liens and Taxes – Block 245.20 Lot 29 and Block 1025 Lots 5 & 10.
 - d. State Tax Appeal Granted – Block 547 Lot 6 – 451 Brick Boulevard.

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

- ___ 21. Bill Resolution – Computer 2016.
- ___ 22. Bill Resolution – Manual 2016.

5. Ordinance on First Reading:

- ___ 1. Amend Chapter 437 – Towers and Wreckers.

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.

**Brick Township Council
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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, June 6, 2016 at 7:00 p.m.**

RESOLUTION

WHEREAS, The Township of Brick is fortunate to have many loyal and dedicated individuals who work each day to improve the quality of life for the residents; and

WHEREAS, Kevin Batzel, the Bureau Chief and Fire Marshal with the Brick Bureau of Fire Safety has demonstrated his commitment to the safety and security of Brick Township residents by upholding fire safety codes and standards; and

WHEREAS, Kevin was recently honored as the "2016 Fire Protection Inspector of the Year" by the New Jersey State Fire Prevention & Protection Association (NJSFPPA) for his contributions to the continued safety and well-being of the residents of Brick Township; and

WHEREAS, Kevin started his exemplary career as Bureau Chief at the Brick Bureau of Fire Safety in August 1985 and is recognized for his knowledge and expertise in the New Jersey Fire Code, which is demonstrated in a successful inspection program in Brick Township.

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

1. We join Mayor John G. Ducey in applauding Kevin for this significant honor.
2. We urge all residents to thank Kevin for his commitment to the protection of life and property.

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 of the Township of Brick at a meeting of said Township Council on May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

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| Agenda # | Date |
| 4-1 | 5/17/16 |
| Agenda # | Date |
| Agenda # | Date |
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RESOLUTION

WHEREAS, The Township of Brick is fortunate to have many loyal and dedicated individuals who work each day to improve the quality of life for the residents; and

WHEREAS, Richard Orlando, the Assistant Bureau Chief with the Brick Bureau of Fire Safety has demonstrated his commitment to the interest of fire safety; and

WHEREAS, Richard was recently honored with the "John H. Flaherty 2015 Fire Prevention Inspector of the Year Award" by the New Jersey State Fire Prevention & Protection Association (NJSFPPA); and

WHEREAS, Richard is recognized for his contributions to the preservation and protection of life and property in the Township of Brick.

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

1. We join Mayor John G. Ducey in applauding Richard for this important award.
2. We urge all residents to thank Richard for his commitment to the protection of life and property.

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 of the Township of Brick at a meeting of said Township Council on May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

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| Agenda # | 5/Date |
| 4-2 | 5/17/16 |
| Agenda # | Date |
| Agenda # | Date |
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RESOLUTION

WHEREAS, the individuals who provide emergency medical services in the Township of Brick serve a vital role in our community; and

WHEREAS, the week of May 15 - 21, 2016 is recognized as Emergency Medical Services week and this year's theme is EMS Strong: Called to Care

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

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

1. We join Mayor John G. Ducey in recognizing the importance of Emergency Medical Service providers in our community.
2. We urge all residents to thank the professionals and volunteers who serve the community in this essential function.

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 of the Township of Brick at a meeting of said Township Council on May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

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| Agenda # | Date |
| 4-3 | 5/17/16 |
| Agenda # | Date |
| Agenda # | Date |
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RESOLUTION

WHEREAS, a reconciliation of the Municipal Court's Bail Account and General Account reflects a number of outstanding checks; and,

WHEREAS, the check dates on all of these checks are 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, State of New Jersey as follows:

1. The attached list of checks totaling \$17.00 in the Bail Account are to be cancelled and funds are to be transmitted over to the Township's Chief Financial Officer and deposited into the Current Fund Account.
2. The attached list of checks totaling \$58.00 in the General Account are to be cancelled and funds are to be transmitted over to the Township's Chief Financial Officer and deposited into the Current Fund Account.
3. A certified copy of this resolution be forwarded to the Chief Financial Officer and the Municipal Court Administrator.

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 May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-4 | 5/17/16 |
| Agenda # | Date |
| Agenda # | Date |
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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:

2016 LOCAL ROADWAY PAVING & DRAINAGE PROGRAM - NORTHERN CEDARCROFT

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, ARH Associates, is hereby authorized to prepare formal bid specifications for the above mentioned project.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 17th day of May, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-5 | 5/17/16 |
| Agenda # | Date |
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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 ISOLATED STREETS

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, CME Associates, for this project 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 17th day of May, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-6 | 5/17/16 |
| Agenda # | Date |
| Agenda # | Date |
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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 item:

VEHICLE REPAIRS

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

1. The Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above mentioned project.
2. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above mentioned project.

CERTIFICATION

I, Lynnette 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 17th day of May, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-7 | 5/17/16 |
| Agenda # | Date |
| Agenda # | Date |
| Agenda # | Date |

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the **Rental & Laundry of DPW Uniforms, Purchase and Delivery of T-Shirts and Miscellaneous Shop Supplies** on April 22, 2016; and

WHEREAS, the bid submitted by Cintas Corp. is hereby rejected in its entirety for failure to submit a completed Stockholder Disclosure Certification as required pursuant to N.J.S.A. 40A:11-23.2; and

WHEREAS, the bids have been reviewed by the DPW General Supervisor; and

WHEREAS, the DPW General Supervisor has recommended the award of said bid to the lowest responsive and responsible bidder on a per category basis.

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 bid submitted by Cintas Corp. is hereby rejected in its entirety for failure to submit a completed Stockholder Disclosure Certification as required pursuant to N.J.S.A. 40A:11-23.2.
2. That the Rental & Laundry of DPW Uniform, Non-Insulated and Insulated Coveralls for Categories 1A & 1B is hereby awarded to **American Wear, Inc., 261 North 18th Street, East Orange, NJ 07017**, as per the attached Schedule of Prices
3. That the Purchase and Delivery of T-Shirts and Miscellaneous Shop Supplies are hereby awarded to **Aramark Uniform Services, 115 N. First Street, Burbank, CA 91502** for Category 2 & 3 as per the attached Schedule of Prices.
4. That this is a unit price bid not to exceed \$35,000.00 per year with funds to be certified prior to each purchase.
5. That the awarded rates shall be fixed for the duration of the contract.
6. That this award will be for three (3) years commencing on June 1, 2016 and conclude on May 31, 2019.
7. That a copy of this resolution shall be forwarded to the successful bidders, Business Administrator, Chief Financial Officer, Director of Public Works and Purchasing Agent.
8. 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, 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 17th day of May 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | S/Date |
| 4-8 | 5/17/16 |
| Agenda # | Date |
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| Agenda # | Date |

RESOLUTION

WHEREAS, N.J.S.A. 19:44a-20.5 et. seq. provides for the procedure for soliciting proposals through a "fair and open process" on April 19, 2016; and

WHEREAS, there is a need to retain Planning Service Pool for the research and writing of planning studies and reports; and

WHEREAS, the Township of Brick has solicited proposals for said service through a "fair and open process; and

WHEREAS, the Township Planner has reviewed the proposals and is satisfied with the qualifications and experience of the firms which are the subject of such an award; 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 Mayor is authorized to execute and the Township Clerk to attest to the attached agreements with the following firms for the categories as indicated:

PLANNING POOL:

- ARH Associates, Hammonton, NJ
- Maser Consulting, Red Bank, NJ
- CME Associates, Howell, NJ
- Matrix New World, Eatontown, NJ
- H2M, Parsippany, NJ

PLANNING BOARD CONFLICT:

- ARH Associates, Hammonton, NJ
- CME Associates, Howell, NJ
- H2M, Parsippany, NJ

BOARD OF ADJUSTMENT CONFLICT PLANNER:

- ARH Associates, Hammonton, NJ
- CME Associates, Howell, NJ
- H2M, Parsippany, NJ

2. That such agreements shall be available for public examination in the office of the Township Clerk during normal business hours.
3. That this contract is being awarded pursuant to a "fair and open process."
4. That this contract is being awarded as a Professional Service Contract in accordance with the provisions of N.J.S.A. 40A:11-5.
5. That services for this contract shall be rendered to the Township at the rates listed on Attachment A, schedule of authorized hourly fees
6. That this contract is awarded contingent upon the adequate provisions of funding in the grant, operating and/or capital budget.
7. That this resolution shall commence on May 18, 2016 and end on December 31, 2016.
8. That a notice of this action shall be printed once in the official newspaper of the Township of Brick.
9. That a certified copy of this Resolution shall be provided to the firms, the Business Administrator, Chief Financial Officer, Township Professional Planner, Assistant Planner and the Purchasing Agent.

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| Agenda # | 5/Date |
| 4-9 | 1/17/16 |
| Agenda # | Date |

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 17th date of May, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A.IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, Sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for **Summerfest Food Truck on Friday, May 6, 2016**; and

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

WHEREAS, the Director of Recreation has recommended the award of said bid to the highest responsive and responsible bidder; 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. That the bid for Summerfest Food Truck is hereby awarded to RNL Enterprises, LLC, dba Tacoholics, 764 Williamsburg Drive, Brick, NJ 08724 to sale of Tacos and Quesadillas at 2016 Summerfest Events.
2. That a money order in the amount of \$755.00 has been submitted by RNL Enterprises, LLC dba Tacoholics.
3. That a copy of this resolution shall be forwarded to RNL Enterprises, LLC dba Tacoholics, Business Administrator, Chief Financial Officer, Director of Recreation 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, 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 17th day of May, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

| Agenda # | Date |
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| 4-10 | 5/17/16 |
| Agenda # | Date |
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| Agenda # | Date |

RESOLUTION

WHEREAS, P.L. 2011, c. 139 allows contracting units to enter into agreement with state, regional, or single government agencies that award contracts for its own use and is authorized under its own laws to extend those contracts to other government agencies; and

WHEREAS, on July 7, 2015 the Governing Body authorized the Township to enter into an agreement with US Communities to purchase goods and/or services in order to make the procurement process more efficient and to provide cost savings to the Township; and

WHEREAS, it is the desire of the Director of Recreation to purchase Day Care / Preschool Playroom Equipment through the US Communities; and

WHEREAS, the US Communities awarded a contract to Kompan, Inc., 930 Broadway, Tacoma, WA 98402 under Contract #110171 for Playground Equipment, Surfacing, Site Furnishings and Related Products and Services.

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 Governing Body of the Township of Brick authorizes the purchase and delivery of Day Care / Preschool Playroom Equipment available through the US Communities National Cooperative in the total amount of \$10,010.30.
2. That the US Communities has awarded a contract to Kompan, Inc., 930 Broadway, Tacoma, WA 98402 under Contract #110171 for Playground Equipment, Surfacing, Site Furnishings and Related Products and Services.
3. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto.
4. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of contract, which shall be available for public examination in the Office of the Township Clerk during normal business hours.
5. That the Township Clerk shall further forward a certified copy of this resolution to Kompan, Inc., Business Administrator, Chief Financial Officer, Director of Recreation and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 17th day of May, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | 5 | Date | 5/17/16 |
| 4-11 | | | |
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RESOLUTION

WHEREAS, the Division of Purchasing and Contracting received bids for the Fall Harvest Festival Concession Coordinator on Wednesday, April 27, 2016; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(d) the Governing Body hereby recommends the rejection of bid in its entirety due to the contracting unit has decided to abandon the project.

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 bid submitted for the Fall Harvest Festival Concession Coordinator is hereby rejected in its entirety pursuant to N.J.S.A. 40A:11-13.2(d).
2. That the Township Clerk shall further forward a certified copy of this resolution to the bidder, Business Administrator, Director of Recreation, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynette 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 17th day of May, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of April, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

| Agenda # | Date |
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| 4-12 | 5/17/16 |
| Agenda # | Date |
| Agenda # | Date |
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RESOLUTION

WHEREAS, the Township of Brick has solicited proposals for said service through a "fair and open" process on December 4, 2015; and

WHEREAS, The Township of Brick awarded a contract under N.J.S.A. 19:44a-20-5 et. seq. through a "fair and open process" to Bowman & Company on January 1, 2016, and

WHEREAS, there is a need to increase the not to exceed amount by \$15,000 due to a medical leave of absence of personnel in the Division of Finance ; and

WHEREAS, the Mayor has reviewed the proposals and is satisfied with the qualifications and experience of the firm which is the subject of such an award change; and

WHEREAS, the Mayor recommends that Bowman & Company be authorized to assist the Division of Finance during the absence of the employee at an hourly rate per the existing contract.

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 not to exceed amount for Professional Accountant Services for Bowman & Company, 601 White Horse Road, Voorhees, NJ 08043-2493 at a rate of \$110.00 per hour be amended upward \$15,000 to reflect a new not to exceed amount of \$35,000 per year.
2. That this contract is being awarded as a Professional Service in accordance with the provisions of N.J.S.A. 40A:11-5.
3. That this contract is being awarded pursuant to a "fair and open" process.
4. That this contract is awarded contingent upon the adequate provisions of funding in the 2016 operating budget.
5. That this resolution shall take effect May 17, 2016 and run through December 31, 2016.
6. That a certified copy of this Resolution shall be provided to Bowman & Company, Business Administrator, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # 4-13 | Date 5/17/16 |
| Agenda # | Date |
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RESOLUTION

RESOLUTION DESIGNATING CHEF'S INTERNATIONAL, INC. AS REDEVELOPER FOR THE REDEVELOPMENT OF A WATERFRONT RESTAURANT AT TRADER'S COVE REDEVELOPMENT AREA AND AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT AND LEASE

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the "**Redevelopment Law**"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the Council of the Township of Brick (the "**Council**"), is a public body corporate and politic of the State of New Jersey having its offices at 401 Chambers Bridge Road, Brick, New Jersey 08723; and,

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the Township of Brick (the "**Township**") identified and designated the property commonly known as Block 68, Lot 3.02 on the tax map of the Township as an area in need of redevelopment (the "**Redevelopment Area**") and adopted the *Trader's Cove Redevelopment Plan*, dated November 27, 2007 (the "**Redevelopment Plan**") pertaining to the development of the Redevelopment Area; and

WHEREAS, in furtherance of the redevelopment of the Redevelopment Area, the Township undertook the issuance of a Request for Proposals entitled "Redeveloper for a Redevelopment Project Consisting of the Design, Construction and Operation of a Waterfront Restaurant at Trader's Cove on a Portion of Block 68, Lot 3.02 Brick, New Jersey" seeking proposals for the development of a waterfront restaurant on a portion of the Redevelopment Area located at the end of Mantoloking Road, at the head of the Barnegat Bay which is comprised of 3,970 sq. ft. (the "**Lease Parcels**"); and

WHEREAS, the Township received a proposal from Chef's International, Inc. (the "**Redeveloper**") to develop a seasonal outdoor dining and entertainment facility on the Lease Parcels (the "**Project**"); and

WHEREAS, the Township found the proposal from the Redeveloper to be consistent with the Redevelopment Plan and the Township's goal of redeveloping the Redevelopment Area; and

WHEREAS, in order to implement the Project, the Township desires to designate the Redeveloper as redeveloper of the Redevelopment Area pursuant to the Redevelopment Law and enter into agreements, specifying the rights and responsibilities of the Redeveloper and the Township with respect to the Project, as follows: (i) a redevelopment agreement governing the development, financing and construction of the Project, substantially in the form as set forth in **Exhibit A** on file in the Township Clerk's Office (the "**Redevelopment Agreement**"); and (ii) a lease governing the operation and management of the Project, substantially in the form as set forth in **Exhibit B** on file in the Township Clerk's Office (the "**Lease**"); and

WHEREAS, the Lease Parcels are part of Trader's Cove which was purchased with green acres funds and is listed on the Township's Recreation and Open Space Inventory and is therefore encumbered with New Jersey Department of Environmental Protection ("**NJDEP**") Green Acres Program restrictions pursuant to *N.J.A.C. 7:36 et seq.* (the "**Green Acres Regulations**"); and

WHEREAS, the Township believes it is in the best interests of the community to designate the Redeveloper as the redeveloper for the Lease Parcels and approve the execution of a Redevelopment Agreement and Lease, subject to the approval of the NJDEP pursuant to the Green Acres Regulations.

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| Agenda # | 5 | Date | 5/17/16 |
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| Agenda # | | Date | |

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

1. The recitals are incorporated herein as if set forth in full.
2. The Redeveloper is hereby designated as Redeveloper for the Lease Parcels within the Redevelopment Area.
3. Subject to the approval from the NJDEP pursuant to the Green Acres Regulations, the Mayor or his designee is hereby authorized to execute the Redevelopment Agreement and the Lease, as Exhibit A and Exhibit B subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor or his designee in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Redevelopment Agreement, Lease and this Resolution.
3. This Resolution shall take effect immediately.

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 17th day of May 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE WITH EARLE ASPHALT COMPANY, ALAIMO GROUP CONSULTING ENGINEERS AND FEDERAL INSURANCE COMPANY FOR THE SETTLEMENT OF LITIGATION FILED BY EARLE ASPHALT COMPANY IN CONNECTION WITH THE BRICK TOWNSHIP 2010 ROAD PROGRAM

WHEREAS, on or about October 10, 2011, the Township awarded Earle Asphalt Company ("Earle") the Contract for the Brick Township 2010 Road Program ("Contract") based, in part, upon a bid price of \$2,080,013.13; and

WHEREAS, on or about August 20, 2014, Earle filed a lawsuit against the Township seeking payment in the amount of \$85,771.18; the retainage held by the Township in connection with the Contract, under Docket No. OCN-L-2422-14 ("Action"); and

WHEREAS, on or about January 28, 2015, the Township filed an Amended Answer, Counterclaim and Third Party Complaint against Alaimo Group Consulting Engineers ("Alaimo") and Federal Insurance Company ("Federal") denying Earle's allegations that it was entitled to payment of the retainage and seeking damages from Earle and Alaimo based upon the improper performance of the work under the Contract; and

WHEREAS, the Township, Earle, Alaimo and Federal desire to finally and completely resolve, compromise and settle the matters in dispute by and among them which were or could or should have been asserted in the Action pursuant to the terms and conditions set forth in the Settlement Agreement and Release; and

WHEREAS, the Township Council desires to authorize the Mayor and Township Clerk to execute the proposed Settlement Agreement and Release for the settlement of the Action.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed Settlement Agreement and Release between the Township, Earle Asphalt Company, Alaimo Group Consulting Engineers and Federal Insurance Company for the settlement of the Action as set forth in the Agreement on file in the Township Clerk's office.
2. That a copy of the Agreement shall be kept on file and made available for public inspection at the Office of the Township Clerk during normal business hours.
3. That the Township Clerk shall forward a certified copy of this Resolution to Counsel for Earle Asphalt Company, Alaimo Group Consulting Engineers and Federal 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 May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Township this 17th day of May, 2016.

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| Agenda # | Date |
| 4-15 | 5/17/16 |
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| Agenda # | Date |

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Township of Brick, as recommended by the Chief of Police, has a need for Class I Special Police Officers; and

WHEREAS, Chief Riccio has offered a list of qualified candidates who would be eligible for training at the Ocean County Police Academy for Class I Special Officers; and

WHEREAS, the Ocean County Police Academy requires that candidates for training be appointed before completing training;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Brick, County of Ocean, State of New Jersey that the following applicants are appointed and approved to attend the Ocean County Police Academy for Class I Officer training at an hourly rate of \$9.14 beginning May 23, 2016 through June 17, 2016.

Daniel Primavera
Kristal Ocasio
John Schaefer
Darren Murrin
Sean Capper

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 17th day of May 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-16 | 5/17/16 |
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RESOLUTION

WHEREAS, PC Richard and Son has applied for a special event permit to conduct a Tent Sale on June 6-21, 2016 in accordance with Chapter 393 of the Code of the Township of Brick; and

WHEREAS, the Township Council 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 PC Richard and Son's request for special event application to conduct a Tent Sale at 550 Route 70 from June 6-21, 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 PC Richard and Son's request for special event application to conduct a Tent Sale on June 6-21, 2016 between the hours of 9:00 am and 9:30 pm, 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 PC Richard and Son.

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 May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-17 | 5/17/16 |
| Agenda # | Date |
| Agenda # | Date |
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RESOLUTION

WHEREAS, Green Cove Marina applied for a special event permit to conduct a GCM Family Fun Day on June 25, 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 Green Cove Marina's request for special event application to conduct a Family Fun Day on June 25, 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 Green Cove Marina's request for special event application to conduct a Family Fun Day on Saturday, June 25, 2016 between the hours of 11:00 am and 4:00 pm at 41 Division Street 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. The applicant will remind those attending to be mindful of their vehicle operation along the residential roadway of Division Street.
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 Green Cove 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 May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-18 | 5/17/16 |
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RESOLUTION

WHEREAS, Jersey Shore Marina applied for a special event permit to conduct a Customer Appreciation Marina Party on August 13, 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 Marina's request for special event application to conduct a Customer Appreciation Marina Party on August 13, 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 Jersey Shore Marina's request for special event application to conduct a Customer Appreciation Marina Party on August 13, 2016 between the hours of 8:00 am and 11:00 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. The temporary volleyball court is to be removed after the event.
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 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 May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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| Agenda # | Date |
| 4-19 | 5/17/16 |
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| 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> |
|---|---------------------|---------------|
| 382.33/23/308502 45 Courtshire Dr. | Shiple, Joanne | \$ 281.92 |
| 1231/966/622953 494 5 th Ave. | Kunyz, John & Adele | \$ 327.91 |

CERTIFICATION

I, Lynnette A. Iannarone, RMC, Municipal 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 May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE, RMC
MUNICIPAL CLERK

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| Agenda # | Date |
| 4-20a | 5/17/16 |
| 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 have been redemptions of tax sale certificates on the properties listed below.

WHEREAS, monies have been received and deposited in the current account for the Township of Brick.

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 Clerk be and are hereby authorized to sign and seal the aforementioned tax sale certificate.

| <u>Block/Lot/Account #</u> | <u>Name</u> | <u>Cert. #</u> |
|----------------------------|------------------|----------------|
| 261/17/205029 | Duffy, Brian | 2016-0077 |
| 340/76/206870 | McKenna, Dorothy | 2016-0116 |
| 340/75/206869 | McKenna, Dorothy | 2016-0115 |

CERTIFICATION

I, Lynnette A. Iannarone, RMC, Municipal 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 May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE, RMC
MUNICIPAL CLERK

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| Agenda # | Date |
| 4-206 | 5/17/16 |
| 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 and any taxes assessed on Block 245.20. Lot 29, Account # 204657, Block 1025, Lot 5, Account #518323 and Block 1025, Lot 10, Account # 518327 due to the property being deeded to the Township of Brick.

WHEREAS it is the desire of the Mayor and Township Council to authorize the cancellation of Tax Title Liens and taxes 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 assessed taxes and 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> |
|------------------------------|----------------|-----------------------|
| 245.20/29/204657 Mandalay | 2014-0068 | Laffey, Karen B. |
| 1025/5/518323 Jordan Rd. | 2014-0356 | Eagleswood Properties |
| 1025/10/518327 Jordan Rd. | 2014-0357 | Eagleswood Properties |

CERTIFICATION

I, Lynnette A. Iannarone, RMC, Municipal 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 May 17, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

LYNNETTE A. IANNARONE, RMC
MUNICIPAL CLERK

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| Agenda # | Date |
| 420c | 5/17/16 |
| 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 2014-2015 on Block 547, Lot 6, Account # 311166, 451 Brick Blvd. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2014 & 2015 from 2,365,200 to 1,800,000.

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> |
|----------------------------|--------------------------------|-------------------------|
| 547/6/311166 | Mandelbaum & Salsburg, PC-Att. | \$ 5,793.30-2014 |
| 451 Brick Blvd. | Trust Account | <u>\$11,987.89-2015</u> |
| | | \$17,781.19 |

CERTIFICATION

I, Lynnette A. Iannarone, RMC, Municipal 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 May 17, 2016.

IN WTNESS WHEREOF, I have hereunto set my hand and seal of this Township this 17th day of May, 2016.

 LYNNETTE A. IANNARONE, RMC
 MUNICIPAL CLERK

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| 4-20d | 5/17/16 |
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| Agenda # | Date |
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ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING THE TOWNSHIP
CODE CHAPTER 437 ENTITLED "TOWERS AND
WRECKERS"

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 so as to amend Chapter 437 entitled "Towers and Wreckers" in accordance with the provisions herein.

SECTION 2. Chapter 437-7 entitled "Rates and Charges" is hereby amended to read as follows:

A. Rates and Charges. Every operator of a towing service shall give the owner a written itemized bill for the towing cost and a written receipt when paid. A schedule of the towing regulation and fees shall be posted for viewing by the public at each towing business on the police duty list and in the Traffic Safety Office in the Police Department. Towing charges and fees shall be as follows:

(1) Towing.

(a) Motorcycles and motor scooters: \$150

(b) Class I vehicles. Automobiles and trucks with a gross vehicle weight rating (GVWR) of 8,600 pounds or under: \$125.

(c) Class II vehicles. Automobiles and trucks with a gross vehicle weight rating (GVWR) from 8,601 to 15,000 pounds: \$185.

(d) Class III vehicles. Automobiles and trucks with a gross vehicle weight rating (GVWR) of 15,001 pounds or greater: \$350.

(e) No additional fee will be charged for flatbed services.

(2) Beach or water recovery.

(a) Definition. The recovery of a vehicle from the beach or an existing body of water.

(b) Rate: \$450 per hour billed in thirty-minute increments once vehicle is on scene.

(3) Mileage. Loaded mileage charges from the scene to final destination shall be charged as follows:

(a) Class I vehicles: \$4 per mile.

(b) Class II vehicles: \$8 per mile.

(c) Class III vehicles: \$10 per mile.

(4) Storage

(a) Class I vehicles: \$35 per day for outside storage; \$45 per day for inside storage, only by written request from the Police Department or vehicle owner.

(b) Class II vehicles: \$45 per day for outside storage; \$55 per day for inside storage, only by written request from the Police Department or vehicle owner.

(c) Class III vehicles: \$75 per day.

(d) Pursuant to N.J.S.A. 40:48-2.50, all fees to be paid to an operator by a municipality for the storage of removed motor vehicles shall not exceed the following:

(1) A limit of \$3.00 per day for the first 30 days of storage per vehicle; and

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(2) A limit of \$2.00 per day for the 31st day of storage and any day thereafter; and

(3) A limit of \$400.00 per vehicle stored regardless of the duration of the storage, except that a waiver may be granted for good cause upon the request of a municipality by the Division of Local Government Services in the Department of Community Affairs.

(5) Miscellaneous.

(a) Administration fee. An administration fee in the amount of actual costs incurred may be charged. The administrative fee shall not exceed \$25. All administrative fees charged must be supported by full documentation and subject to review by the Traffic Safety Unit.

(b) Debris cleanup is mandatory. For ordinary cleanup, a one-time fee of \$35 is permitted; if debris is excessive and requires more than 20 minutes to remove, a one-time fee of \$50 is permitted.

(c) Recovery/winching, as defined in this chapter; to be billed in fifteen-minute increments:

(1) Class I: \$100 per hour.

(2) Class II: \$175 per hour.

(3) Class III: \$350 per hour, billed in thirty-minute increments.

(d) Additional truck/personnel: \$100 per hour per truck, billed in fifteen-minute increments once vehicle is on scene.

(e) Other charges, including but not limited to: dolly use, airline disconnect, release linkage, cage brakes, drive shaft removal: \$25 each.

(f) Standby/wait time on scene: \$100 per hour, billed in fifteen-minute increments after 20 minutes on scene has elapsed. Tow operators must notify an officer on the scene upon their arrival and departure.

(g) Catastrophic crash: Prevailing wage will apply for winching and recovery for catastrophic crashes.

(h) Unloading of dump trucks and box trucks: Prevailing wage will apply.

(i) The protection of vehicles in storage from further damage due to the weather (e.g., broken windows, doors, hoods, trunk missing or damaged that allows weather intrusion): Tarp vehicles \$50 if needed; Cover windows \$25 if needed.

(j) Holiday rates: 1 ½ times the regular towing rate for towing on the following holidays: New Year's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

B. The tower shall not charge any fee not defined in this section unless previously authorized by the owner of the vehicle being towed/recovered.

C. Road repair services

(1) The tow operator shall be responsible to answer road repair service calls for the following types of disabled vehicles:

a. Flat tire repair or tire change.

- b. Motor vehicle lock outs.
 - c. Vehicles requiring a jump start.
 - d. Vehicles that have run out of fuel.
 - e. Any additional circumstances that do not require a tow.
- (2) The tow operator shall charge a fee that is half the tow fee for that vehicle class which is disabled plus the costs of parts or fuel.
- (3) The tow operator will be returned to the top of the tow rotation list upon completion of the above services.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall 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 17th day of May, 2016, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 6th day of June, 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