



**Brick Township Council  
Caucus/Public Meeting  
February 8, 2022  
7:00 PM  
Agenda No. 1**

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on January 7, 2022. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).
3.
  - a. Roll Call.
  - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
  - c. Approve Minutes of January 25, 2022 Meeting.

**Consent Agenda**

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

4. Resolutions:

- \_\_\_1. Authorize Cancellation of Grant Appropriated Reserves & Receivables.
  - \_\_\_2. Authorize Submission of Application – 2022 Ocean County Tourism Grant.
  - \_\_\_3. Authorize Receipt of Bids – Printing Services.
  - \_\_\_4. Authorize Receipt of Bids – Landscape Maintenance Services at Solar Field.
  - \_\_\_5. Authorize Receipt of Bids – Operation of Brick Beach 1 Food Concession Stand.
  - \_\_\_6. Authorize Receipt of Bids – Fireworks Exhibitions.
  - \_\_\_7. Authorize Award of Bid – Purchase & Delivery of Sign Materials.
  - \_\_\_8. Authorize Close-Out Change Order #1 – Isolated Drainage & Roadway Improvements.
  - \_\_\_9. Authorize Close-Out Change Order #1 – Resurfacing & Drainage Improvements to North Lake Shore Drive, Nassau Street and Duquesne Boulevard Intersections.
  - \_\_\_10. Authorize Award of Contract – COBRA – OCA.
  - \_\_\_11. Authorize Award of Contract – Temporary Disability Coverage – The Guardian Life Insurance Company of America.
  - \_\_\_12. Authorize Execution of Agreement with Central Jersey Health Insurance Fund.
  - \_\_\_13. Authorize Person-to-Person Transfer of Plenary Retail Consumption Liquor License to DadsBar Corp. t/a Arrowhead Inn.
  - \_\_\_14. Bond Releases/Reductions:
    - a. Inspection Fund Release – K&S Wall Properties – Route 88.
  - \_\_\_15. Tax Collector:
    - a. Tax Overpayments – 2022.
- \*\*\*\*\***End of Consent Agenda**\*\*\*\*\*
- \_\_\_16. Bill Resolution – Computer 2022.
  - \_\_\_17. Bill Resolution – Manual 2022.

5. Ordinances on First Reading:

- \_\_\_1. Amend Chapter 145-6 – Extend the Time for Waiver of Fees for Construction – Renovation of Existing Vacant Commercial Structures.
- \_\_\_2. Amend Chapter 396 – Stormwater Management.

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 will be held on Tuesday, February 22, 2022 at 7:00 p.m.**

**RESOLUTION**

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

**WHEREAS**, a certain balance sheet item remains outstanding, 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 balance as reflected below is hereby canceled:

Summer Shore Initiative	\$4,840.00
Drive Sober or Get Pulled Over	5,640.00
MACADA	10,241.84
	<u>\$20,721.84</u>

The Appropriated Reserve balance as reflected below is hereby canceled:

Summer Shore Initiative	\$4,840.00
Drive Sober or Get Pulled Over	5,640.00
MACADA	10,241.84
	<u>\$20,721.84</u>

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

**CERTIFICATION**

I, Lynnette A. 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 February 8, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8th day of February, 2022.

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

Agenda #	Date
4-1	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Township Council of the Township of Brick, wishes to file an application with the Ocean County Board of Commissioners for a Tourism Promotional Matching Grant, which will promote Ocean County and activities of interest to tourists; and

**WHEREAS**, the Mayor and Governing Body of the Township of Brick have reviewed the Ocean County Board of Commissioners, Tourism Promotional Matching Grant; and

**WHEREAS**, the Mayor and Governing Body of the Township of Brick are desirous of obtaining an Ocean County Board of Commissioners, Tourism Promotional Matching Grant in the approximate amount of \$9,825.00, which also requires dollar for dollar matching funds in the amount of \$9,825.00; and

**WHEREAS**, the Mayor and Governing Body of the Township of Brick recognize and accept that the Ocean County Department of Business Development and Tourism may offer a greater or lesser amount in connection therewith:

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

1. The Township Council of the Township of Brick hereby authorizes the application for such a grant.
2. Upon receipt of the Grant Agreement from the Ocean County Board of Commissioners, the signature of the Mayor and/or any other municipal official, or their successors in said titles, which is required on the agreement and any other documents necessary in connection therewith, is hereby approved.
3. Upon receipt of the fully executed Grant Agreement from the Ocean County Board of Commissioners, the expenditure of funds is hereby authorized pursuant to the terms of the agreement between the Township of Brick and the Ocean County Board of Commissioners.
4. A certified copy of this resolution shall be provide to the following;
  - a. Maureen Laffey-Berg, Chief Financial Officer
  - b. Ocean County Board of Commissioners.

**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 February 8, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

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

Agenda #	Date
4-2	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

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

**PRINTING SERVICES**

**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 Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned project.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

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

Agenda #	2/Date
4-3	18/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

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

**LANDSCAPE MAINTENANCE SERVICES AT SOLAR FIELD**

**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 Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned project.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

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

Agenda #	2/Date
4-4	8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

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

**OPERATION OF BRICK BEACH I FOOD CONCESSION STAND**

**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 Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned project.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

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

Agenda #	Date
4-5	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

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

**FIREWORKS EXHIBITIONS**

**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 Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned project.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

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

Agenda #	Date
4-6	2/8/22
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 Purchase and Delivery of Sign Materials on Wednesday, January 26, 2022; and

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

**WHEREAS**, the Superintendent of Public Works has recommended the award of said bid to the lowest responsive and responsible bidder on per item basis being in full compliance with the bid specification; and

**WHEREAS**, the Superintendent of Public Works desires to solicit new bids for the Purchase and Delivery of Sign Materials for the items not awarded.

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

1. That the contract for Purchase and Delivery of Sign Materials is hereby awarded on per item basis as per the attached schedule of prices to the following vendors:
  - Garden State Highway Products, Inc., 301 Riverside Drive, Millville, NJ 08332
  - Signarama Freehold, 23 South Street, Freehold, NJ 07728
2. That this is an open-ended contract not to exceed \$70,000.00 per year with funds to be certified prior to each order. Sufficient funds are available pending adoption of the 2022 and future budgets under an appropriation entitled Roads – Traffic Sign Parts & Materials, account 2-01-26-290-258.
3. That this will be a two (2) year contract commencing on February 12, 2022 and ending on February 11, 2024.
4. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
5. That the Township Council authorizes and directs the Purchasing Agent to advertise and solicit new bids for the remaining items.
6. That a copy of this resolution shall be forwarded to the vendors, Business Administrator, Chief Financial Officer, Superintendent of Public Works and 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 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

Agenda #	2/Date
4-7	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK



**RESOLUTION**

**CLOSE OUT CHANGE ORDER #1**

**WHEREAS**, the Township of Brick previously awarded a contract to Captain Construction, Inc., 104 George Street, South River, NJ 08882 on January 19, 2021 for the project known as "Isolated Drainage & Roadway Improvements" for a total contract price in the amount of \$378,230.00; and

**WHEREAS**, Captain Construction, Inc. has completed the project; and

**WHEREAS**, the consulting engineer, CME Associates, has inspected the work and deemed the work to be complete; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.3 the consulting engineer has recommended the approval of Close-Out Change Order #1 decreasing the contract by (\$65,787.15) from \$378,230.00 to \$312,442.85 as a result of final as-built quantities; and

**WHEREAS**, the approval of this Close-Out Change Order #1 will result in the return of the performance bond posted for this project. Contractor has provided maintenance bond, which will run for a period of two (2) years; and

**WHEREAS**, the Township Attorney has reviewed the maintenance bond and deemed same to be acceptable; and

**WHEREAS**, it is now the desire of this Township Council to act upon the consulting engineer's recommendation and to approve said Close-Out Change Order #1.

**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 above-mentioned Change Order #1 is hereby approved decreasing the contract amount previously awarded to Captain Construction, Inc. for Isolated Drainage & Roadway Improvements project to \$312,442.85, refunding \$65,787.15 to Ordinance #9-19, account C-04-55-866-404.
2. That final payment to the contractor is hereby authorized to be made based upon the recommendation of the consulting engineer.
3. That the work performed the contractor for the project is hereby accepted by the Township of Brick.
4. That return of Performance and Payment Bond #BX07837 in the amount of \$378,230.00 to the contractor is authorized.
5. That Maintenance Bond #BX07837MB in the amount of \$46,866.43 provided by the contractor is hereby accepted.
6. That the Township Clerk shall forward a certified copy of the resolution to the contractor, CME Associates, Business Administrator, 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 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

Agenda # 4-8	Date 2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

**RESOLUTION**

**CLOSE OUT CHANGE ORDER #1**

**WHEREAS**, the Township of Brick previously awarded a contract to Earle Asphalt Company, P.O. Box 556, Farmingdale, NJ 07727 on March 24, 2020 for the project known as "Resurfacing & Drainage Improvements to North Lake Shore Drive, Nassau Street and Duquesne Boulevard Intersections" for a total contract price in the amount of \$540,613.13; and

**WHEREAS**, Earle Asphalt Company has completed the project; and

**WHEREAS**, the consulting engineer, ARH Associates, has inspected the work and deemed the work to be complete; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.3 the consulting engineer has recommended the approval of Close-Out Change Order #1 increasing the contract by \$3,877.39 from \$540,613.13 to \$544,490.52 as a result of final as-built quantities; and

**WHEREAS**, the approval of this Close-Out Change Order #1 will result in the return of the performance bond posted for this project. Contractor has provided maintenance bond, which will run for a period of two (2) years; and

**WHEREAS**, the Township Attorney has reviewed the maintenance bond and deemed same to be acceptable; and

**WHEREAS**, it is now the desire of this Township Council to act upon the consulting engineer's recommendation and to approve said Close-Out Change Order #1.

**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 above-mentioned Change Order #1 is hereby approved increasing the contract amount previously awarded to Earle Asphalt Company for Resurfacing & Drainage Improvements to North Lake Shore Drive, Nassau Street and Duquesne Boulevard Intersections project to \$544,490.52, adding \$3,877.39 from Ordinance #11-21, account C-04-55-877-401 for which Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto.
2. That final payment to the contractor is hereby authorized to be made based upon the recommendation of the consulting engineer.
3. That the work performed the contractor for the project is hereby accepted by the Township of Brick.
4. That return of Performance and Payment Bond #K40367184 in the amount of \$540,613.13 to the contractor is authorized.
5. That Maintenance Bond #K40367184M in the amount of \$54,449.05 provided by the contractor is hereby accepted.
6. That the Township Clerk shall forward a certified copy of the resolution to the contractor, ARH Associates, Business Administrator, 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 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

Agenda # 4-9	Date 2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION**

**WHEREAS**, Fairview Insurance Agency Associates, Inc. is the broker of record for the Township of Brick for employee health benefits insurance coverage; and

**WHEREAS**, Fairview Insurance Agency Associates, Inc. has solicited proposals to provide COBRA rates and COBRA coverage benefit consulting for Township of Brick; and

**WHEREAS**, the Human Resources Director has reviewed the proposals and recommends award to OCA, 3705 Quakerbridge Road, Suite 216, Mercerville, NJ 08619 to provide COBRA coverage for Township's employees and retirees; and

**WHEREAS**, OCA has the ability and experience in the field of this endeavor and the service meets the definition of an exemption under N.J.S.A. 40A:11-5(m) of the Local Public Contracts Law and is considered an Extraordinary Unspecifiable Service; and

**WHEREAS**, it is the desire of the Township Council to award a contract to OCA as an Extraordinary Unspecifiable Service in accordance with the provisions of N.J.S.A. 40A:11-5(m) and N.J.A.C. 5:34-2.1 et seq., and in compliance with N.J.S.A. 19:44A-20.5 et seq.

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

1. That the Township of Brick hereby award contract to OCA, 3705 Quakerbridge Road, Suite 216, Mercerville, NJ 08619 to provide COBRA coverage for Township employees and retirees.
2. That the all-inclusive cost for OCA's services will be \$0.60 per participant, per month.
3. That this contract is awarded pursuant to N.J.S.A. 40A:11-5(m) and N.J.A.C. 5:34-2.1 et seq. as an Extraordinary Unspecifiable Service.
4. That funding for this service is contingent upon an adequate appropriation in the 2022 Employee Group Insurance budget, account 2-01-23-220-211, with a not to exceed amount \$6,000.00.
5. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of agreement, which shall be available for public examination in the office of the Township Clerk during normal business hours.
6. That the term of this contract shall commence on February 1, 2022 and end on December 31, 2022.
7. That a notice of this action shall be printed once in the official newspaper of the Township of Brick.
8. That a certified copy of this resolution shall be forwarded to Fairview Insurance Agency Associates, Inc., OCA, Business Administrator, Chief Financial Officer, Human Resources Director and the Purchasing Agent.

**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 this day 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

Agenda #	Date
4-10	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

**RESOLUTION**

**WHEREAS**, Acrisure, LLC dba IMAC Insurance Agency is the broker of record for the Township of Brick; and

**WHEREAS**, IMAC Insurance Agency has solicited proposals to provide statutory disability coverage for Township's employees; and

**WHEREAS**, the Human Resources Director has reviewed the proposals and recommends award to The Guardian Life Insurance Company of America, 10 Hudson Yards, New York NY 10001 to provide temporary disability coverage for the Township; and

**WHEREAS**, The Guardian Life Insurance Company of America has the ability and experience in the field of this endeavor and the service meets the definition of an exemption under N.J.S.A. 40A:11-5.1(m) of the Local Public Contracts Law and is considered an Extraordinary Unspecifiable Service; and

**WHEREAS**, it is the desire of the Township Council to award a contract to The Guardian Life Insurance Company of America as an Extraordinary Unspecifiable Service in accordance with the provisions of N.J.S.A. 40A:11-5(m) and N.J.A.C. 5:34-2.1 et seq., and in compliance with N.J.S.A. 19:44A-20.5 et seq.

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

1. That the Township of Brick hereby awards contract to The Guardian Life Insurance Company of America, 10 Hudson Yards, New York NY 10001 to provide employee temporary disability coverage at a combined rate of .82% of payroll (.14% employee contribution and .68% employer contribution) up to the statutory maximums.
2. That this contract is awarded pursuant to N.J.S.A. 40A:11-5(m) and N.J.A.C. 5:34-2.1 et seq. as an Extraordinary Unspecifiable Service.
3. That funding for this service is contingent upon an adequate appropriation in the 2022 Employee Group Insurance budget, account 2-01-23-220-211.
4. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of agreement, which shall be available for public examination in the office of the Township Clerk during normal business hours.
5. That the term of this contract is one (1) year and shall commence on January 1, 2022.
6. That a notice of this action shall be printed once in the official newspaper of the Township of Brick.
7. That a certified copy of this resolution shall be forwarded to IMAC Insurance Agency, The Guardian Life Insurance Company of America, Business Administrator, Chief Financial Officer, Human Resources Director and the Purchasing Agent.

**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 this day 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

Agenda #	2/8/22
4-11	
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

**RESOLUTION**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the Central Jersey Health Insurance Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et. seq.; and

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since February 1, 1992; and

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

**WHEREAS**, the governing body of the Township of Brick, hereinafter referred to a LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**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. Renew membership with the FUND for the period outlined in the LOCAL UNIT'S Indemnity and Trust Agreements.
2. Adopts and approves the FUND'S bylaws.
3. Execute an application for membership and any accompanying certifications.
4. That the term of this agreement shall commence on January 1, 2022 and end on December 31, 2024.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND'S bylaws, and to deliver these documents to the FUND'S Executive Director with the express reservation that these documents shall become effective only upon:

- a. Approval of the LOCAL UNIT by the FUND
- b. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- c. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

**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 February 8, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 22<sup>nd</sup> day of February, 2022.

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

Agenda #	Date
4-12	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, an application has been filed for a person-to-person transfer of plenary retail consumption license number 1506-33-006-004 heretofore issued to Josflo Corp t/a Arrowhead Inn is transferred to DadsBar Corp. t/a Arrowhead Inn, 2071 Route 88, Brick, NJ 08723; and

**WHEREAS**, the Municipal Clerk has advised that the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, no objections have been filed to the proposed person-to-person transfer; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, and the regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the Municipal Clerk has advised that the application for a person-to-person transfer has been submitted in accordance with requirements of the Division of Alcoholic Beverage Control, and the applicant has been reviewed and approved by the NJABC and the Police Department; and

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

1. The application for the person-to-person transfer of plenary retail consumption license number 1506-33-006-004 heretofore issued to Josflo Corp t/a Arrowhead Inn is transferred to DadsBar Corp. t/a Arrowhead Inn, 2071 Route 88, Brick, NJ 08723 is hereby approved in accordance with the application submitted; and
2. That a copy of this resolution shall be forwarded to the Division of Alcoholic Beverage Control and the 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 February 8, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February 2022.

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

Agenda #	Date
4-13	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Township Engineer has notified the Municipal Clerk by letter dated January 24, 2022 that there is \$28.31 remaining in the engineering inspection fund from K & S Wall Properties, LLC, 1909 Vincent Court, Wall, NJ 07719 for 1695 Route 88 (Block 842 Lots 22 and 25, PB-2767); and

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

**WHEREAS**, the Township Engineer recommends that the \$28.31 remaining in the engineering inspection fund be returned to the applicant; and

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

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

1. That the \$28.31 remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
  - a. Chief Finance Officer
  - b. Township Engineer
  - c. Applicant/Developer

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 8, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

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

Agenda #	Date
4-14a	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council in the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund any and all monies due the individual property owner or bank who was responsible for the overpayment.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
378.17/6/207683 36 Lawndale Dr.	Ward, Gary	\$1,237.59

**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 this 8<sup>th</sup> day of February, 2022.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of February, 2022.

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

Agenda #	Date
4-15a	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date



ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 145-6 OF THE TOWNSHIP CODE TO EXTEND THE TIME FOR THE WAIVER OF FEES FOR CONSTRUCTION TO PROMOTE THE RENOVATION OF EXISTING VACANT COMMERCIAL STRUCTURES

WHEREAS, as part of its ongoing efforts to rehabilitate existing commercial structures and storefronts in the Township of Brick, the Township Council, in September 2015, created Chapter 145-6 of the Township Code entitled "Waiver of Fees for Construction to Promote the Renovation of Existing Vacant Commercial Structures"; and

WHEREAS, by providing for the waiver of fees for construction projects undertaken to renovate existing vacant commercial properties, the Township Council sought to encourage private property owners and their tenants, to undertake such projects to promote business and development within the Township of Brick; and

WHEREAS, the Mayor and Township Council have determined that the waiver of fees has encouraged property owners and prospective business owners to rehabilitate empty storefront locations and is an effective tool in the effort to rehabilitate vacant commercial structures, including empty storefronts; and

WHEREAS, the Township Council subsequently, by duly adopted Ordinance, extended the waiver of fees in Chapter 145-6 to December 31, 2020; and

WHEREAS, the Township Council now desires to extend the deadline for the waiver of fees from its current end date of December 31, 2020 to December 31, 2022.

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 145-6, entitled "Waiver of Fees for Construction to Promote Renovation of Existing Vacant Commercial Structures," which amended Chapter 145-6 shall now read in relevant part as follows:

§ 145-6. Waiver of fees for construction to promote renovation of existing vacant commercial structures.

\*\*\*

D. This ordinance shall expire on December 31, 2022 unless extended by the Township Council of the Township of Brick.

SECTION 2. Any provision of Chapter 145-6 not specifically amended herein shall remain the same.

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 8<sup>th</sup> day of February, 2022 and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 22<sup>nd</sup> day of February, 2022 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 #	Date
5-1	2/8/22
Agenda #	Date
Agenda #	Date

**ORDINANCE**

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

**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 396 entitled "STORMWATER MANAGEMENT," to add the following provisions at the end of the current Chapter, with the table of contents added as appropriate in the beginning of the Chapter:

**Chapter 396 STORMWATER MANAGEMENT**

\* \* \*

**ARTICLE II  
Illicit Storm Sewer Connections**

- § 396-15. Purpose.
- § 396-16. Definitions.
- § 369-17. Prohibited conduct.
- § 396-18. Enforcement.
- § 396-19. Violations and penalties.

**ARTICLE III  
Private Storm Drain Inlet Retrofitting**

- § 396-20. Purpose.
- § 396-21. Definitions.
- § 396-22. Prohibited conduct.
- § 396-23. Design standard.
- § 396-24. Enforcement.
- § 396-25. Violations and penalties.

**ARTICLE IV  
Refuse Containers and Dumpsters**

- § 396-26. Purpose.
- § 396-27. Definitions.
- § 396-28. Prohibited conduct.
- § 396-29. Exceptions to prohibition.
- § 396-30. Enforcement.
- § 396-31. Violations and penalties.

**ARTICLE V  
Improper Disposal of Waste**

- § 396-32. Purpose.
- § 396-33. Definitions.
- § 396-34. Prohibited conduct.
- § 396-35. Exceptions to prohibition.
- § 396-36. Enforcement.
- § 396-37. Violations and penalties.

**ARTICLE II  
Illicit Storm Sewer Connections**

**§ 396-15. Purpose**

The purpose of this article is to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Brick, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Agenda #	Date
5-2	2/8/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

### **§396-16. Definitions**

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination-System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

**DOMESTIC SEWAGE** - Waste and wastewater from humans or household operations.

**ILLICIT CONNECTION** - Any physical or nonphysical connection that discharges domestic sewage, on-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Brick, unless that discharge is authorized under a NJPDES permit other than the Tier A municipal stormwater general permit (NJPDES Permit Number NJOO 141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

**INDUSTRIAL WASTE** - Nondomestic waste, including, but not limited to those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act [33 U.S.C. §1317(a), (b), or (c)].

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

**NJPDES PERMIT** - A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

**NONCONTACT COOLING WATER** - Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Noncontact cooling water may however contain algacides or biocides to control fouling of equipment such as heat exchangers and/or corrosion inhibitors.

**PROCESS WASTEWATER** - Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

**STORMWATER** - Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

### **§ 396-17. Prohibited conduct**

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Brick any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater).

**§ 396-18. Enforcement**

This article shall be enforced by the Police Department, Engineering Department, and/or the Land Use Department of the Township of Brick.

**§ 396-19. Violations and penalties**

Any person(s) who is found to be in violation of the provisions of this article shall be subject to the penalties as provided in Chapter I, § 1-15, General penalty.

**ARTICLE III**

**Private Storm Drain Inlet Retrofitting**

**§ 396-20. Purpose**

The purpose of this article is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, resurfacing or alterations of facilities on private property, so as to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) into the municipal separate storm sewer system(s) operated by the Township, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 396-21. Definitions**

As used in this article, the following terms shall have the meanings indicated:

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) –**

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

**PERSON** - Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

**STORM DRAIN INLET** - An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

**WATERS OF THE STATE** - The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§ 396-22. Prohibited conduct**

No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard set forth in § 396-10 to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the design standard in § 396-10 prior to the completion of the project. This standard does not apply:
  - (1) To a residential lot developed with a single-family home or duplex; or
  - (2) To the repair of potholes, restriping of paved areas or maintenance pavement sweeping or cleaning of drainage system.

**§ 396-23. Design standard**

Storm drain inlets identified in § 396-21 shall comply with the following standard to control passage of solid and floatable material through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. Exemptions to this standard are set forth below.

A. Grates.

(1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate;

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch across the smallest dimension.

(2) Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.

C. Exemptions. This standard does not apply:

(1) Where the Municipal Engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(a) A rectangular space 4 5/8 inches long and 1 1/2 inches wide (this option does not apply for outfall netting facilities.); or

(b) A bar screen having a bar spacing of 0.5 inch.

- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or
- (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4- 7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register-listed historic property.

**§ 396-24. Enforcement**

This article shall be enforced by the Municipal Engineer of the Township of Brick.

**§ 396-25. Violations and penalties**

Any person(s) found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$500 for each storm drain inlet that is not retrofitted to meet the design standard.

**ARTICLE IV  
Refuse Containers and Dumpsters**

**§ 396-26. Purpose**

The purpose of this article is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and to prohibit the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Brick and/or the waters of the State, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 396-27. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Brick or other public body, and is designed and used for collecting and conveying stormwater.
- B. PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- C. REFUSE CONTAINER – any waste container that a person controls, whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- D. STORMWATER – means water resulting from precipitation (including rain and snow) that runs off

the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.

- E. WATERS OF THE STATE – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**§ 396-28. Prohibited conduct**

- A. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster, must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.
- B. Any person who owns, leases or otherwise uses a refuse container or dumpster, must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Brick.

**§ 396-29. Exceptions to prohibition**

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

**§ 396-30. Enforcement.**

This article shall be enforced by the Construction Code Official and/or the Municipal Engineer of the Township of Brick.

**§ 396-31. Violations and penalties.**

Any person(s) found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$100.00 per day, per offense.

**ARTICLE V  
Improper Disposal of Waste**

**§ 396-32. Purpose**

The purpose of this ordinance is to prohibit the spilling, dumping, or disposal of materials, other than stormwater, to the municipal separate storm sewer system (MS4) operated by the Township of Brick so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**§ 396-33. Definitions.**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not

merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Brick or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.

#### **§ 396-34. Prohibited Conduct:**

The spilling, dumping, or disposal of materials, other than stormwater, to the municipal separate storm sewer system operated by the Township of Brick is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

#### **§ 396-35. Exceptions to Prohibition.**

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff)
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- f. Residential car washing water, and residential swimming pool discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from firefighting activities
- i. Flows from rinsing of the following equipment with clean water:
  - Beach maintenance equipment immediately following their use for their intended purposes; and
  - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

#### **§ 396-36. Enforcement.**

This ordinance shall be enforced by the Brick Township Police Department or the Code Enforcement Officer.

#### **§ 396-37. Penalties.**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalties as provided in Chapter 1, §1-15, General penalty.

**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 8<sup>th</sup> day of February, 2022 and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 22<sup>nd</sup> day of February, 2022 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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JOHN G. DUCEY  
MAYOR