



Brick Township Council
Caucus/Public Meeting
April 12, 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 Reports of Municipal Officers.
 - d. Approve Minutes of March 8th Meeting.
 - e. Presentations:
 1. Eagle Scout Award – Ryan Godin.
 2. National Public Safety Telecommunicators Week.
4. Budget Presentations:
 1. Dan Santaniello – Recreation Department.
 2. Stephen Krakovsky – Department of Public Works.
 3. Rob Byrnes – Parks Department.

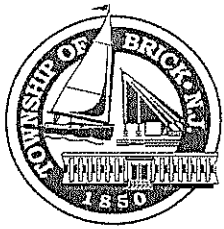
Consent Agenda

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

5. Resolutions:
 1. Recognize National Public Safety Telecommunicators Week – April 10 -16, 2022.
 2. Authorize Submission of Application – Youth Leadership Grant – Brick Municipal Alliance Program.
 3. Authorize Submission of Application – 2022 EDF Climate Corps Program.
 4. Authorize Receipt of Bids – Janitorial Services.
 5. Authorize Receipt of Bids – Rental & Laundry of Public Works Uniforms & Rental of Floor Mats, Rags & Fender Covers.
 6. Authorize Receipt of Bids – General Athletic Equipment & Supplies.
 7. Authorize Receipt of Bids – Flood Control Valves.
 8. Authorize Award of Bid – Beer & Wine Garden Concession.
 9. Authorize Award of Bid – Fireworks Exhibitions.
 10. Authorize Award of Bid – Summerfest Food Truck Vendors.
 11. Authorize Award of Bid – Operation of Brick Beach 1 Food Concession Stand.
 12. Authorize Award of Bid – Landscape Maintenance Services at Solar Field.
 13. Authorize Mayor to enter into Fair and Open Professional Services Contract – Code Enforcement Prosecutor.
 14. Authorize Contract – EMS Billing & Collection.
 15. Authorize Award of Contract through HGAC-Buy National Cooperative – One Ambulance.
 16. Authorize Execution of Shared Services Agreement w/Ocean County Sheriff’s Traffic Enforcement Program Grant.
 17. Authorize Special Events Permit – Cinco de Mayo Event.
 18. Authorize Special Events Permit – Marina Party/Pig Roast.
 19. Authorize Special Events Permit – Italian Feast.
 20. Authorize Special Events Permit – River Rock ‘N Run Relay.
 21. Bond Releases/Reductions:
 - a. Performance Bond Release – Brick 70 Developers – Route 70.
 - b. Performance Bond Release – Brick 70 Developers – Route 70.
 - c. Performance Bond Reduction – Two Farms, Inc. – Route 88.
 - d. Performance Bond & Inspection Fund Release – Dean Catanzarite – Eagle Pass.
 - e. Inspection Fund Release – Landesign, Inc. – Mantoloking Road.
 - f. Inspection Fund Release – Gaim, LLC/Cara Realtors – Brick Boulevard.
 - g. Inspection Fund Release – Kevin Laudicina – Brick Boulevard & Route 70.

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

 22. Bill Resolution – Computer 2022.
 23. Bill Resolution – Manual 2022.



Brick Township Council
Caucus/Public Meeting
April 12, 2022
7:00 PM
Agenda No. 1

6. Ordinance on First Reading:

- _____ 1. Authorize Special Tax Assessment for Nejecho Beach Lagoon Dredging Project.

7. Ordinances on Second Reading:

- _____ 1. Cap Rate Ordinance.
_____ 2. Amend Chapter 245 – Placement of Small Cell Facilities and Wireless Poles in the Public Right-of-Way.

8. 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.

9. Council Comments.

10. 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, April 26, 2022 at 7:00 p.m.**

RESOLUTION

Governor's Council on Alcoholism and Drug Abuse
FORM 1B – DMHAS Youth Leadership Grant

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The Township Council of the Township of Brick, County of Ocean, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Ocean.

NOW, THEREFORE, BE IT RESOLVED by the Township of Brick, County of Ocean, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of an application for DMHAS Grant funding for the Brick Municipal Alliance for Year One Grant Term 7/1/22 – 3/14/23 in the amount of:
DMHAS Grant Funding \$5,955.49
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
John G. Ducey, Mayor

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-2	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

**Support from The Township Council of the
Township of Brick Authorizing the
Sustainable Jersey 2022 EDF Climate Corps Program Application**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, Brick Township strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Brick Township is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created the 2022 EDF Climate Corps Program;

THEREFORE, the Township Council of the Township of Brick has determined that Brick Township should apply for the aforementioned 2022 EDF Climate Corps Program. The assistance will provide an opportunity for the Township to partner with an EDF Climate Corps Fellow to help guide the Township’s long-term, strategic planning and develop a road map to take advantage of utility and New Jersey Clean Energy Program incentives for energy efficient audits and facility and/or equipment upgrades to help save energy and money. The EDF **Fellow** will help develop a road map in terms of priorities and will look at the full spectrum of sustainability initiatives; and

THEREFORE, the Township of Brick will commit to providing staff support for the duration of the 2022 EDF Climate Corps Program, including access to data for energy projects such as utility billing data.

THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Brick, County of Ocean and State of New Jersey, authorize the submission of the aforementioned application to the 2022 EDF Climate Corps Program.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/12/22
5-3	
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:

JANITORIAL 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 12th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/ Date
5-4	12/22
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:

**RENTAL AND LAUNDRY OF PUBLIC WORKS UNIFORMS AND
RENTAL OF FLOOR MATS, RAGS AND FENDER COVERS**

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 12th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-5	4/12/22
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:

GENERAL ATHLETIC EQUIPMENT & SUPPLIES

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 12th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-6	4/12/22
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:

FLOOD CONTROL VALVES

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 12th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/ Date
5-7	12/22
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 Beer & Wine Garden Concession on Thursday, March 17, 2022; and

WHEREAS, the bids have been reviewed by the Superintendent of Recreation; and

WHEREAS, the Superintendent of Recreation has recommended the award of said bid to the highest responsive and responsible bidder being in full compliance with the bid specification.

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

1. That the contract for Beer & Wine Garden Concession is hereby awarded to ZMRA, LLC, 247 Mantoloking Road, Brick, NJ 08723.
2. That cashier's check in the amount of \$7,000.00 has been submitted by the vendor.
3. That this award is for the 2022 summer season and concluding on October 16, 2022.
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 a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Superintendent of Recreation and 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 held on the 12th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-8	4/12/22
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 Fireworks Exhibitions on Thursday, March 17, 2022; and

WHEREAS, the bids have been reviewed by the Superintendent of Recreation and the Safety Inspector; and

WHEREAS, the Superintendent of Recreation and the Safety Inspector have recommended the award of said bid be made to the lowest responsive and responsible bidder being in full compliance of the bid specification.

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 Fireworks Exhibitions is hereby awarded to Pyrotechnics by Althouse dba Schaefer Fireworks, Inc., 370 Hartman Bridge Road, Ronks, PA 17572 for the total amount \$24,800.00 (\$4,960.00 per event).
2. That this is a unit price bid; therefore, funds shall be certified prior to each order. Sufficient funds are available under an appropriation entitled Recreation Rider, account T-03-56-862-299.
3. That this award is for the 2022 summer season and concluding on October 16, 2022.
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 a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Superintendent of Recreation and 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 held on the 12th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-9	4/12/22
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 Summerfest Food Truck Vendors on Tuesday, April 5, 2022; and

WHEREAS, the bids have been reviewed by the Business Administrator; and

WHEREAS, the Business Administrator has recommended the award of said bid to the highest responsive and responsible bidder being in full compliance of the bid specification; and

WHEREAS, the Business Administrator desires to solicit new bids for the categories in which no bids were received.

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 Summerfest Food Truck Vendors is hereby awarded to the following vendors, as per the attached schedule:
 - Dellano Food Service, 45 Long Hill Road, Long Valley, NJ 07853
 - Highway 2 Ohana, 65 Grand Central Avenue, Lavallette, NJ 08735
 - John & Debbie "O's" Concessions, 69 Oak Glen Road, Toms River, NJ 08753
 - You Scream Ice Cream, 2791 Hooper Avenue, Brick, NJ 08723
 - Woodshed Pizza, LLC, 99 Altier Avenue, Brick, NJ 08723
2. That money orders, certified checks and cashier's checks in the total amount of \$7,008.50 have been submitted by the vendors.
3. That this award is for the 2022 summer season and concluding on October 2, 2022.
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 categories.
6. That a certified copy of this resolution shall be forwarded to the vendors, Business Administrator, Chief Financial Officer, Superintendent 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 held on the 12th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-10	4/12/22
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 Operation of Brick Beach 1 Food Concession Stand on Thursday, March 17, 2022; and

WHEREAS, the Township received two (2) eligible bids tied for the same total contract price; and

WHEREAS, the Local Public Contracts Law states the Township may choose to award tied bids to the vendor whose response is the most advantageous, price and other factors considered; and

WHEREAS, the bids have been reviewed by the Superintendent of Recreation; and

WHEREAS, the Superintendent of Recreation has recommended the award of said bid based on positive rapport with the Township and the Township's beachgoers as the current contractor for Brick Beach 3 Concession Stand.

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 the Operation of Brick Beach 1 Food Concession Stand is hereby awarded to Jersey Shore Snack Shack 2, LLC, 1811 Riviera Parkway, Point Pleasant, NJ 08742 in the total amount of \$24,900.00 (\$8,200.00 for the 2022 season, \$8,300.00 for the 2023 season, \$8,400.00 for the 2024 season).
2. That this contract is for three (3) years, specifically the 2022, 2023 and 2024 summer seasons, concluding on September 30, 2024, conditional upon receipt of payment by the contractor for the full amount of the annual installment by January 15th of each upcoming summer season.
3. That a cashier's check in the amount of \$8,200.00 for the first contract year has been submitted by the bidder.
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 a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Superintendent of Recreation and 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 held on the 12th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

Agenda # 5-11	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

 LYNNETTE A. IANNARONE
 TOWNSHIP CLERK

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the Landscape Maintenance Services at Solar Field on Tuesday, March 15, 2022; and

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

WHEREAS, the Superintendent of Public Works has recommended award of said bid to the lowest responsive and responsible bidder being in full compliance with the bid specifications.

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

1. That the contract for the Landscape Maintenance Services at Solar Field is hereby awarded to OnSite Landscape Management, P.O. Box 294, Millstone, NJ 08535.
2. That this is a unit price bid and prices shall remain firm fixed for the duration of the contract.
3. That this contract is not to exceed \$65,000.00 per year with funds to be certified prior to each service. Sufficient funds are available pending adoption of the 2022 and future budgets under an appropriation entitled Maintenance of Parks – Outside Contractors, account 2-01-28-375-291.
4. That this will be a two (2) year contract commencing on April 20, 2022 and ending on April 19, 2024.
5. 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.
6. That a copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Superintendent of Public Works and Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Township 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 12th day of April, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this the 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/ Date
5-12	12/22
Agenda #	Date
Agenda #	Date
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; and

WHEREAS, there is a need to retain Code Enforcement Prosecutor; and

WHEREAS, the Township of Brick has solicited proposals for said service through a fair and open process on March 23, 2022; and

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

WHEREAS, the Business Administrator recommends award to the attorney listed below with the advice and consent of the Township Council to represent the Township as Code Enforcement Prosecutor.

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 agreement with the following firm at the indicated rate with an aggregate amount not to exceed \$15,000.00:

CODE ENFORCEMENT PROSECUTOR – at a rate of \$600.00 per court session:

- Destribats Campbell Staub & Schroth, LLC, 247 White Horse Avenue, Hamilton, NJ 08610
- Anthony J. Destribats, Esq.

2. That this contract is being awarded as a professional service in accordance with N.J.S.A. 40A:11-5 pursuant to a fair and open process.
3. That this contract is awarded contingent upon the adequate provisions of funding in the 2022 operating budget under appropriation entitled Municipal Prosecutor – Expert Services, account 2-01-25-275-207.
4. That this resolution shall take effect April 13, 2022 and end on December 31, 2022.
5. That such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
6. That a certified copy of this resolution shall be provided to the firm, Business Administrator, Chief Financial Officer, Municipal Court Administrator 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 April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

Agenda #	4/ Date
5-13	12/2022
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

AUTHORIZING AWARD OF EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A:11-6 TO CORONIS HEALTH RCM, LLC FOR EMS BILLING AND COLLECTION SERVICES

WHEREAS, the Township Council has been notified by DM Medical Billing, LLC, the Township's current vendor for EMS Billing and Collection Services that effective immediately it can no longer perform services under the terms of agreement with the Township of Brick; and

WHEREAS, the Township of Brick is initiating the process of soliciting sealed Proposals in accordance with the Competitive Contract Process, pursuant to N.J.S.A. 40A:11-4.1 to 4.5 and N.J.A.C. 5:34-4.1 to 4.5; and

WHEREAS, it is necessary to award an interim emergency contract for a period not to exceed six months for EMS Billing and Collection Services; and

WHEREAS, the Township has obtained a proposal from Coronis Health RCM, LLC, a Coronis Health Company to provide interim revenue management services including pre-billing eligibility services, coding, billing, processing, dunning notices, collection calls to patients and insurance providers, and posting of collections at a billing rate of 7.0% of the amount collected by Coronis Health RCM, LLC, on behalf of the Township of Brick; and

WHEREAS, the Township Council has determined that there exists the emergent need to obtain interim EMS Billing and Collection Services and therefore it is necessary to award an interim emergency contract;

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

1. Pursuant to N. J. S. A. 40A:11-6, an emergency contract for EMS Billing and Collection Services is hereby awarded to Coronis Health RCM, LLC at a cost to the Township of 7% of the amount collected on behalf of the Township of Brick.
2. The awarded contract shall be for a period not to exceed six months.
3. That all terms, rates, percentages, guarantees and offers shall remain firm fixed for the duration of the contract.
4. That the Business Administrator is authorized to execute documents related to the changeover of billing companies.
5. That a notice of this action shall be printed once in the official newspaper of the Township of Brick.
6. That a copy of this resolution shall be forwarded to Coronis Health RCM, LLC, Business Administrator, Chief of Police, Chief Financial Officer and the Purchasing Agent.
7. 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, Lynette 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 held on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-14	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, P.L. 2011, c.139, N.J.S.A. 52:34-6.2, and Local Finance Notice 2012-10 allow local contracting units to utilize national cooperative contracts as a method of procurement of goods and services; and

WHEREAS, the Township of Brick is a member of a national cooperative purchasing agreement known as the Houston-Galveston Area Council of Governments, hereinafter referred to as HGAC-Buy; and

WHEREAS, the Township of Brick is in need of an ambulance; and

WHEREAS, the Township has determined that the use of the cooperative purchasing agreement will result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, the HGAC-Buy awarded contract #AM10-20 entitled "Ambulances, EMS, and Other Special Service Vehicles" to Southwest Ambulance Sales, LLC, 621 E. Kennedale Parkway, Kennedale, TX 76060; and

WHEREAS, it is the desire of the Director of EMS to purchase one (1) ambulance MEDIX MSV II 157 Type I RAM 4500, as listed in the quotation dated November 7, 2021, through the HGAC-Buy contract #AM10-20; and

WHEREAS, the Township is in receipt of the requisite documentation in order to award this contract through the cooperative purchasing agreement; and

WHEREAS, the availability of funds for said purchase to be awarded herein has been certified by the Chief Financial Officer,

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 P.L. 2011, c.139 allows Township to award contract without competitive bidding through a national cooperative purchasing system.
2. That the HGAC-Buy national cooperative system has awarded contract #AM10-20 to Southwest Ambulance Sales, LLC, 621 E. Kennedale Parkway, Kennedale, TX 76060 for Ambulances, EMS & Other Special Service Vehicles.
3. That the Purchasing Agent is hereby authorized to execute a purchase order to Southwest Ambulance Sales, LLC in the amount of \$209,493.00 for the purchase and delivery of one (1) ambulance MEDIX MSV II 157 Type I RAM 4500 as per the attached quote.
4. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto. The following is the line item appropriation and ordinance which constitutes the availability of funds for this contract:
 Ordinance #9-21 – account C-04-55-875-501 – \$147,692.24
 Ordinance #9-21 – account C-04-55-875-601 – \$61,800.76
5. That the contract period shall commence upon the issuance of a purchase order and shall terminate upon the delivery and acceptance of the ambulance.
6. That the purchase order shall contain a requirement that "the vendor shall maintain all documentation related to products, transactions or services under this contract for a period of five (5) years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request".

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.

Agenda #	Date
5-15	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

8. That the Township Clerk shall further forward a certified copy of this resolution to the vendor, HGAC-Buy, Business Administrator, Chief Financial Officer, Director of EMS and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 12th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Traffic Enforcement Program Grant is run by the Ocean County Sheriff's Office (hereinafter referred to as "Sheriff's Office") in an effort to improve the safety of motorists and pedestrians on our county's roads and highways; and

WHEREAS, the Traffic Enforcement Program Grant receives funding from the State of New Jersey and the County of Ocean; and

WHEREAS, the Sheriff's Office and the Municipality have determined it to be in their mutual interest for the Municipality to designate certain police officers to be assigned to the Traffic Enforcement Program Grant; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40:8A-1 et seq., authorizes local units as defined in the Act to enter joint agreements for the provision of governmental services; and

WHEREAS, N.J.S.A. 40A:65-5 requires that such an agreement be authorized by resolution; and

WHEREAS, the Municipality wishes to enter into an Agreement with the County for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by the Municipality to the Traffic Enforcement Program Grant.

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 Mayor is hereby authorized to execute and the Township Clerk to attest to Shared Services Agreement between the Township of Brick and the County of Ocean for the FY2022 Ocean County Sheriff's Traffic Enforcement Program retroactive from October 1, 2021 and shall continue in full force and effect until September 30, 2022.
2. A Copy of the Agreement will be on file for public inspection in the Office of the Municipal Clerk.
3. A certified copy of this Resolution shall be provided by the Office of the Township Clerk to the Township Attorney, Chief of Police, Purchasing Agent, Business Administrator, Ocean County Sheriff's Office and the 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 April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/ Date
5-16	12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Rosalita's has applied for a special event permit to conduct a Cinco de Mayo Event on May 5, 2022 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve Rosalita's request for special event application to conduct a Cinco de Mayo Event on May 5, 2022 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 Rosalita's request for special event application to conduct a Cinco de Mayo Event on May 5, 2022 at 1048 Cedar Bridge Avenue between the hours of 12:00 pm and 12:00 am, 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 be maintained. No obstruction of the pedestrian crosswalk/sidewalk access shall be permitted.
- 2) The area that contains any occupants should be closed off to vehicular traffic entirely and vehicles shall not be traveling past the tent area. If it is necessary to have any vehicular traffic in the vicinity of the tent area, that area should be blocked off with barricades that would prevent vehicles from entering the area that will be occupied by patrons.
- 3) A Type I fire permit must be obtained from the Bureau of Fire Safety and a full UFC inspection is to be conducted on the day of the event.
- 4) Security must be present by 12:00pm and remain on location for the duration of the event for crowd control. The Bureau also recommends interior crowd control/security.
- 5) Alcoholic beverages shall be limited to the confines of the tent area that is set for patrons and not to be brought into the parking lot area. Dedicated trained personnel should be stationed to screen for underaged patrons. Employees or security should be in place to ensure people are of age to consume alcoholic beverages and people do not exit this secure area with any alcoholic beverages.
- 6) A copy of the extension of the licensed premises permit from the NJABC has been provided to the Municipal Clerk.
- 7) Any signage advertising this event (if applicable), and portable sanitation facilities shall not be displayed or placed in a manner that it creates a view obstruction at the entrance/exits of the parking lot.
- 8) The intentional and/or accidental release of balloons and other helium/gas filled objects into the atmosphere is environmentally detrimental and should be prevented.
- 9) 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.
- 10) Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police and Rosalita's.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-17	4/12/22
Agenda #	Date

RESOLUTION

WHEREAS, Jersey Shore Marina, 841 Route 70, Brick has applied for a special event permit to conduct a Marina Party/Pig Roast on August 6, 2022 with a rain date of August 7, 2022 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve Jersey Shore Marina's request for special event application to conduct a Marina Party/Pig Roast on August 6, 2022 with a rain date of August 7, 2022 with the conditions and restrictions detailed below.

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

SECTION 1. That Jersey Shore Marina's request for special event application to conduct a Marina Party/Pig Roast on August 6, 2022 with a rain date of August 7, 2022 between the hours of 1:30 pm and 9:30 pm at 841 Route 70 East is approved with the conditions and restrictions as follows:

1. A tent/outdoor cooking permit must be obtained from the Brick Township Bureau of Fire Safety. All fire lanes and fire access and areas must remain open and accessible at all times.
2. No open flame or cooking to be under tents.
3. All areas around the volleyball court to remain open and accessible at all times.
4. Any signage advertising this event (if applicable), and portable sanitation facilities shall not be displayed or placed in a manner that it creates a view obstruction at the entrance/exits of the parking lot.
5. The intentional and/or accidental release of balloons and other helium/gas filled objects into the atmosphere is environmentally detrimental and should be prevented.
6. Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
7. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

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

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

Agenda #	4/Date
5-18	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, Epiphany Church has applied for a special event permit to conduct an Italian Feast on August 18, 19, 20, and 21, 2022 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve Epiphany Church’s request for special event application to conduct an Italian Feast on August 18, 19, 20, and 21, 2022, 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 Epiphany’s request for special event application to conduct an Italian Feast on August 18, 19, 20 and 21, 2022 at the Epiphany Church, 615 Thiele Road between the hours of 5:00 pm and 10:00 pm, with the conditions and restrictions as follows:

- 1) Epiphany Church shall retain a minimum of two (2) Brick Township Special Police Officers to provide traffic control at entrance and/or intersection of Herbertsville Road and Thiele Road, to ensure normal traffic flow is not impeded. It is also recommended that the Epiphany Parish shall have a minimum of (2) off-duty Brick Township Police Officer(s).
- 2) Epiphany Church shall have a minimum of one (1) staff member(s) checking identification(s) at the Beer Tent.
- 3) Epiphany Church shall have a minimum of eight (8) staff members monitoring the site the day of the event. All staff members shall wear an event shirt for identification.
- 4) Any signage advertising this event (if applicable) shall not be displayed or placed in a manner that it creates a view obstruction at the entrance/exits of the parking lot.
- 5) The intentional and/or accidental release of balloons and other helium/gas filled objects into the atmosphere is environmentally detrimental and should be prevented.
- 6) Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition
- 7) All permits and documents requested by the Bureau of Fire Safety be submitted and approved 10 days prior to the date of this event. All fire lanes and fire access and areas must remain open and accessible at all times.
- 8) Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police and the Epiphany Church.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-19	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Adam Nalven has applied for a special event permit to conduct a River Rock 'N Run Relay Event on Saturday, November 12, 2022 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 Adam Nalven's request for a special event to conduct a River Rock 'N Run Relay Event on Saturday, November 12, 2022 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 Adam Nalven's request for special event application to conduct a Rock 'N Run Relay Event on Saturday, November 12, 2022 between the hours of 9:00 am and 12:00 pm at the River Rock, 1600 Route 70, Brick with the conditions and restrictions as follows:

1. All fire lanes shall remain open and accessible at all times.
2. Applicant will provide the Municipal Clerk with the NJDOT Permit prior to event.
3. Run will be conducted in accordance with all applicable State laws.
4. Runners shall obey the sharing of the road with vehicles and be cognizant of vehicular traffic. The organizer shall have representatives spread along the route dedicated to ensuring the safety of the runners during the race time.
5. The staging area shall be limited to the sectioned off area of Main Ave., adjacent to the River Rock between the dead end and Riverside Dr. N. If possible, the staging area should be moved and located in the parking lot of River Rock, closer to Riviera Dr. to alleviate using Main Ave. for pedestrian gathering. In the event the roadway will need to be closed, Township approval will be necessary. The rally point shall be moved to the dead end of Main Ave. or to the parking lot of River Rock.
6. If traffic control is needed at any intersections, Officers will be required to control those roads.
7. The organizer shall reach out to Marine Max to advise them of this event due to the impact it may have on traffic flowing to their business.
8. Any signage advertising this event (if applicable), and portable sanitation facilities shall not be displayed or placed in a manner that it creates a view obstruction at the entrance/exits of the parking lot.
9. The intentional and/or accidental release of balloons and other helium/gas filled objects into the atmosphere is environmentally detrimental and should be prevented.
10. 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.
11. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statutes or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police and Adam Nalven.

Agenda #	4/ Date
5-20	11/12/22
Agenda #	Date
Agenda #	Date

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, Brick 70 Developers, LLC, 1195 Route 70, Suite #2000, Lakewood, NJ 08701 had posted a cash performance bond in the amount of \$88,589.45 for Wawa/Panera Bread (Block 446 and 446.22, Lots 3, 3.01, 3.02, 4, 12 & 13, 535/545 Route 70, Duquesne Blvd, BA-3050) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated April 1, 2022 has advised that the improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the cash performance bond in the amount of \$88,589.45 (plus interest if applicable) be returned to the applicant; and

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

1. That the cash performance bond in the amount of \$88,589.45 (plus interest if applicable) be returned to the applicant; and
2. That the Municipal Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-21a	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Brick 70 Developers, LLC, 1195 Route 70, Suite #2000, Lakewood, NJ 08701 had posted NGM Insurance Company Bond No. S323878 in the amount of \$137,723.60 and a cash performance bond in the amount of 15,080.40 to guarantee site improvements to Wawa/Panera Bread (Block 446 and 446.22 Lots 3, 3.01, 3.02, 4, 12 and 13, 535/545 Route 70, Duquesne Blvd., BA-3050) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated April 1, 2022 has advised that the improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the posted NGM Insurance Company Bond No. S323878 in the amount of \$137,723.60 and a cash performance bond in the amount of 15,080.40 (plus interest if applicable) be returned to the applicant; and

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

1. That the posted NGM Insurance Company Bond No. S323878 in the amount of \$137,723.60 and a cash performance bond in the amount of 15,080.40 (plus interest if applicable) be returned to the applicant; and
2. That the Municipal Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-21b	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Two Farms, Inc., 3611 Roland Avenue, Baltimore, MD 21211 had posted Harco National Insurance Company Performance Surety Bond No. 0765761 in the amount of \$85,865.40 and a cash performance bond in the amount of \$9,540.60 to guarantee site improvements to Royal Farms, 1748 Route 88, Block 1170.09 Lot 3.01, 3.02 & 3.05 1748 in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated March 21, 2022 has advised that a portion of the improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the Harco National Insurance Company Performance Surety Bond No. 0765761 in the amount of \$85,865.40 be reduced to \$51,169.50 and the cash performance bond in the amount of \$9,540.60 be reduced to \$5,685.50 returning \$3,855.10 to the applicant; and

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

1. That the Harco National Insurance Company Performance Surety Bond No. 0765761 in the amount of \$85,865.40 be reduced to \$51,169.50 and the cash performance bond in the amount of \$9,540.60 be reduced to \$5,685.50 returning \$3,855.10 to applicant; and
2. That the Municipal Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	4/Date
5-21c	12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Dean Catanzarite, 86 East View Drive, Brick, NJ 08723 had posted a cash performance bond in the amount of \$9,480.00 for 469 Eagle Pass (Block 130 Lot 15.01, PB-2862) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated March 22, 2022 has advised that the property has been sold to VES Homes, LLC; and

WHEREAS, VES Homes, LLC has replaced the funds; and

WHEREAS, the Assistant Township Engineer recommends that the cash performance bond in the amount of \$9,480.00 (plus interest if applicable) and the engineering inspection fees in the amount of \$2,274.90 be returned to the applicant; and

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

1. That the cash performance bond in the amount of \$9,480.00 (plus interest if applicable) and the engineering inspection fees in the amount of \$2,274.90 be returned to the applicant; and
2. That the Municipal Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-21d	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated March 23, 2022 that there is \$399.96 remaining in the engineering inspection fund from Landesign, Inc., 185 Mantoloking Road, Brick, NJ 08723 for Block 84 Lot 14.03 in the Township of Brick; and

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

WHEREAS, the Assistant Township Engineer recommends that the \$399.96 remaining in the engineering inspection fund be returned to the applicant; and

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

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

1. That the \$399.96 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. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-21e	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 5, 2022 that there is \$374.36 remaining in the engineering inspection fund from Giam, LLC/Cara Realtors, 606A Arnold Avenue, Point Pleasant Beach, NJ 08742 for 514 Brick Boulevard (Block 446.01 Lot 15); and

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

WHEREAS, the Assistant Township Engineer recommends that the \$374.36 remaining in the engineering inspection fund be returned to the applicant; and

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

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

1. That the \$374.36 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. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-216	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 5, 2022 that there is \$876.30 remaining in the engineering inspection fund from Kevin Laudicina, 259 Sprucewood Drive, Brick, NJ 08723 for 503 Brick Boulevard and 856 Route 70 (Blocks 852 & 547 Lots 4.01 and 4); and

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

WHEREAS, the Assistant Township Engineer recommends that the \$876.30 remaining in the engineering inspection fund be returned to the applicant; and

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

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

1. That the \$876.30 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. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 12, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of April, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
S-219	4/12/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A SPECIAL TAX ASSESSMENT FOR NEJECHO BEACH (BLOCK 97, LOTS 96-114; BLOCK 98, LOTS 1, 2, 83-95) FOR LAGOON DREDGING PROJECT

WHEREAS, the Township has completed the necessary survey, engineering and planning work to obtain a dredging permit from the New Jersey Department of Environmental Protection (NJDEP) for the municipality; and

WHEREAS, the Township desires to initiate a dredge project to remove approximately 2,200 cubic yards of material from the Nejecho Beach Lagoon to achieve a navigable water depth of five (5) feet; and

WHEREAS, the Nejecho Beach Lagoon dredge project is estimated to cost \$300,000; and

WHEREAS, the Township is authorized under N.J.S.A. 40:56-1 to assess as a local improvement: the widening, deepening or improvement of any stream, creek, river or other waterway; the removal of obstructions in, and the constructing, reconstructing, enlarging or extending of any waterway, of enclosing walls, or of a pipe or conduit or any brook or watercourse, or part of same; and the defining of the location and the establishment of widths, grades and elevations of any stream, creek, river or other waterway, and the preventing of encroachments upon the same; and

WHEREAS, the Township desires to institute a special assessment for said dredge project for the Nejecho Beach Lagoon.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Brick, as follows:

SECTION 1. The cost for the dredge project for Nejecho Beach Lagoon, in the estimated amount of \$300,000 shall be assessed against properties within the Nejecho Beach area, which include: Block 97, Lots 96-114; Block 98, Lots 1, 2, 83-95.

SECTION 2. The Township Clerk shall cause a notice, pursuant to N.J.S.A. 40:56-1, *et seq.*, of this proposed assessment to be mailed to the owner(s) of real estate impacted by the special local assessment prior to the making of the survey or the awarding of any contract for the improvement. The notice shall contain a description of the property impact sufficiently to identify it. Such notice shall be served in accordance with the law and proof of service shall be filed with the tax office within ten (10) days after service.

SECTION 3. The Township will not contribute to the payment for the construction costs of the dredge project.

SECTION 4. The special local assessment assessed against each impacted property shall constitute a first and paramount lien as provided for under N.J.S.A. 40:56-33.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. This Ordinance shall take effect after adoption and publication in an official newspaper of the Township, 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 12th day of April, 2022, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 26th day of April, 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

Revised

Agenda #	4/12/22
6-1	Date
Agenda #	Date

ORDINANCE

CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Brick in the County of Ocean finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$2,917,049.10 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Brick, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Brick shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, bringing the percentage to 3.5% amounting to a \$833,442.60 increase, bringing the total to \$2,917,049.10 and that the CY 2022 municipal budget for the Township of Brick be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 22nd day of March, 2022, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 12th day of April, 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 #	3/	Date
5-1		10/2/22
Agenda #	4/	Date
7-1		10/2/22

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 245
OF THE TOWNSHIP CODE TO ADD A NEW ARTICLE TO BE ENTITLED
"PLACEMENT OF SMALL CELL FACILITIES AND WIRELESS POLES IN THE
PUBLIC RIGHT-OF-WAY"

WHEREAS, the Mayor and Council of the Township of Brick (hereinafter "Township") is aware that certain technological developments have made access to its Public Rights-of-Way desirable by certain telecommunications companies; and

WHEREAS, the Township has determined that its Public Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exists as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

WHEREAS, the Federal Telecommunications Act preserves local government's ability to "manage the public Rights-of-Way On a competitively neutral and non-discriminatory basis." 47 U.S.C. 253(c); and

WHEREAS, the Federal Telecommunications Act makes it unlawful for local government to prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. 332(C)(7)(B)(i)(H); and

WHEREAS, New Jersey municipalities may give consent for the placement of Small Cell Equipment on poles lawfully erected within the Public Rights-of-Way pursuant to N.J.S.A 48:3-19 and for the erection of Wireless Poles within the Public Rights-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the Township has determined that it is necessary to set forth clear standards in relation to the siting of Small Cell Equipment and Wireless Poles within he Public Rights-of-Way for the benefit of its citizens and any utilities which use or will seek to make use of said Public Rights-of-Way.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Brick that Chapter 245 of the Township Code is hereby amended to include a new Section as follows:

SECTION 1. Chapter 245 of the Township Code is hereby amended and supplemented to add a new section entitled "Placement of Small Cell Facilities and Wireless Poles in the Public Right-of-Way," which shall read as follows:

Article XXXI(A). Placement of Small Cell Facilities and Wireless Poles in the Public Right-of-Way

§ 245-278.1 Purpose.

A. The purpose and intent of this Article is to:

1. Establish a local policy concerning Small Cell Equipment and Wireless Poles.
2. Conserve the limited physical capacity of the Public Rights-of-Way held in public trust by the Township and the County.
3. Assure that any and all Telecommunications carriers providing telecommunication services in the Township through Small Cell Equipment and Wireless Poles comply with the laws, rules and regulations of the Township.
4. Assure that the Township can continue to fairly and responsibly protect the public health, safety and welfare.
5. Enable the Township to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

Agenda #	Date
5-2	2/22/22
Agenda #	Date
7-2	1/12/22
Agenda #	Date
Agenda #	Date

B. This section shall supplement “Chapter 245: Wireless Telecommunications Towers and Antennas” by establishing guidelines for the placement of Small Cell Facilities and Wireless Poles in the Public Right-of-Way. This section is intended to be in addition to, and not in lieu of, any other statutes, rules and regulations applicable to small cell facilities and wireless poles. Nothing herein shall abrogate and federal, state, or local regulation applicable to small cell facilities and wireless poles including, without limitation, the provisions of Chapter 245 governing Land Use in the Township of Brick.

§ 245-278.2. Definitions.

A. As used in this Chapter, the following terms shall have the following meanings:

[1] “Anticipated Municipal Expenses” means the cost of processing an application to place Small Cell Equipment or Wireless Poles in the Public Right-of-Way including, but not limited to, all professional fees such as engineer and attorney costs.

[2] “Alternative Tower Facility” means an existing or proposed structure that is compatible with the neutral setting and surrounding structures and that camouflages or conceals the presence of the antennae can be used to house or mount a personal wireless telecommunication service antenna. Examples include manmade trees, clock towers, bell steeples, light poles, silos, existing utility poles, existing utility transmission towers and other similar alternative designed structures.

[3] “Applicant” means the person or entity seeking to place Small Cell Equipment or wireless poles within the Public Right-of-Way.

[4] “Existing pole” means a wireless pole, or pole owned by an Incumbent Local Exchange Carrier, Competitive Local Exchange Carrier, Electric Distribution Company or other company that is in lawful existence within the Public Right-of-Way. It shall not include an antenna, monopole, or preexisting towers or and preexisting antennas, as those terms are defined in Chapter 245 herein.

[5] “Municipal Facilities” means any property, both real and personal, including physical installations in the Public Right-of-Way that is owned by the Township.

[6] “Public Right-of-Way” means the surface of, and the space above, any public street, road, lane, path, public way or place, sidewalk, alley, boulevard, parkway, drive and the like, held by the Township or County as an easement or in fee simple ownership, or any other area that is determined by the Township of County to be a right-of-way in which the Township may allow the installation of Small Cell Equipment and Wireless poles or other telecommunications facilities.

[7] “Personal Wireless Service” means a type of ‘commercial mobile radio service’ (as that term is defined un 47 CFR 20.3) as listed at 47 CFR 20.9(a)(11) and as defined at 47 CFR 24.5, and provided by the use of ‘personal wireless service facilities’ (as such phrase is defined in section 704 of the Federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 State 56 (1996), partially codified at 47 U.S.C. 332 (c)(7)(C)(ii).

[8] “Professional Survey” means a raised seal stamped survey completed by a duly licensed surveyor.

[9] “Small Cell Equipment and Small Cell Facility” means any of the following that are attached, mounted or installed on an existing pole or wireless pole in the Public Rights-of-Way and used to provide personal communications services:

{a} Wireless Facilities and Transmission Media, including femtocells, picocells and microcells;

{b} Outside Distributed Antenna Systems (ODAS)

{c} A personal wireless service facility as defined by the Federal Telecommunications Act of 1996, as amended as of August 6, 2014; or

{d}A wireless service facility that meets both of the following qualifications:

[i] Each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and

[ii] Primary equipment enclosures are not larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

[10] “Small Cell Network,” means a collection of interrelated small cell facilities designed to deliver wireless service.

[11] “Telecommunications” means the transmission by wire, radio, optics, or any electromagnetic system, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

[12] “Telecommunications Carrier” means any provider of Telecommunication services.

[13] “Telecommunications Facility” means any structure or device used for the purpose of providing, supporting, enabling, or otherwise facilitating telecommunications, including, but not limited to Small Cell Equipment, Wireless Poles as defined herein.

[14] “Telecommunications Service(s)” means the offering of Telecommunications to the public, regardless of the Telecommunications facilities.

[15] “Township Council” means the Township Council of the Township of Brick.

[16] “Township Engineer” means the person appointed to be Township Communications Technician by the Township of Brick pursuant to N.J.S.A. 40A:9-140.

[17] “Wireless Pole” means a column or post lawfully located in the Public Right-of-Way used solely to support Small Cell Equipment and/or provide Personal Wireless Service.

[18] “Zone, Non-Residential” means the zones designated in Chapter 245-8 Zoning of the Township Code of the Township of Brick.

[19] “Zone – Residential” means any zones permitting single-family, two-family, or multifamily residences, assisted-living residences, nursing homes, and/or residential health care facilities.

§ 245-278.3. Applicability.

A. Any telecommunications carrier wishing to place Small Cell Equipment and/or Wireless Poles in the Public Right-of-Way must first enter into a Master License Agreement with the Township. The placement of specific Small Cell Equipment onto existing poles or the erection of wireless poles shall require the issuance of a supplemental license from the

Township Council based on recommendations by the Township Communications Technician.

- B. If the Township's Land Use and Development ordinances require site plan approval, or the approval of any variances from the Township's Planning Board or Zoning Board of Adjustment, the applicant shall be required to secure any approvals and/or variances following the granting of a license under this Chapter. A Planning Board or Board of Adjustment application for the construction, installation, or location for Telecommunications Facilities shall not be deemed complete until a license under this Chapter is granted by the Township.
- C. Colocation. The shared use of existing freestanding or roof-mounted facilities shall be preferred to the construction of new facilities in order to minimize adverse visual impacts associated with the proliferation of towers.

[1] No application to construct a new freestanding or roof-mounted personal wireless telecommunication service facility shall be approved unless the Applicant demonstrates to the reasonable satisfaction of the Township that no existing personal wireless telecommunication service facility within a reasonable distance, regardless of municipal boundaries, can accommodate the Applicant's needs. Evidence submitted to demonstrate that no existing personal wireless telecommunication service facility can accommodate the Applicant's proposed facility shall consist of one (1) or more of the following:

[a] No existing facilities are located within the geographic area required to meet with Applicant's coverage demands.

[b] Existing facilities or structures are not of sufficient height to meet the Applicant's coverage demands and cannot be extended to such height.

[c] Existing facilities or structures do not have sufficient structural strength to support Applicant's proposed antenna and related equipment.

[d] Existing facilities or structures do not have adequate space on which proposed equipment can be placed so it can function effectively and reasonably.

[e] The Applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing facility, or the antennas on the existing facility would cause interference with the Applicant's proposed antenna.

[f] The applicant demonstrates that there are other compelling limiting factors, including but not limited to economic factors, that render existing facilities or structures unsuitable.

[2] No Telecommunications Carrier or operator shall unreasonably exclude a telecommunication competitor from using the same facility or location. Upon request by the Township, the owner or operator shall provide evidence and a written statement to explain why colocation is not possible at a particular facility or site.

[3] If a telecommunication competitor attempts to co-locate a personal wireless telecommunication service facility on an existing or approved facility or location, and the parties cannot reach an agreement, the Township may require a third-party technical study to be completed at the Applicant's expense to determine the feasibility of co-location for new freestanding personal wireless Telecommunication Facilities shall provide evidence that the facility can accommodate colocation of additional carriers.

[4] Applicants for new freestanding personal wireless Telecommunication Facilities shall provide evidence that the facility can accommodate co-location of additional carriers.

[5] A Telecommunications Carrier who is issued a license pursuant to this section who wishes to add, supplement, or modify the Telecommunications Facility for which the license was previously granted shall be required if the addition,

supplement or modification does not materially change the overall size, dimensions or appearance of the Telecommunications Facility.

[6] Any person who desires a license pursuant to this Section shall file an application with the Township Administrator. The application shall include the following information:

[a] The identity of the license applicant, including all affiliates of the applicant.

[b] A description of the Telecommunications Services that are or will be offered or provided.

[c] A description of the Telecommunications facility(ies).

[d] A description of the transmission medium that will be used by the license to offer or provide Telecommunications Services.

[e] Preliminary engineering plans, a survey, specifications, and a network map of the Telecommunications facility to be located within the Township, all in sufficient detail to identify:

[i] The location and route requested for applicant's proposed Telecommunications facility.

[ii] The location of all antennae, calls and nodes for applicant's proposed Telecommunications Facility. Location of all overhead and underground public utility, telecommunications, cable, water, sewer drainage and other facilities in the public way along the proposed route.

[iii] The location of all overhead and underground public utility, telecommunications, cable, water, sewer drainage, and other facilities in the public way along the proposed route.

[iv.] The specific trees, structures, improvements, facilities, and obstructions, of any, that applicant proposed to temporarily or permanently remove, relocate or alter.

D. Federal Requirements. All personal wireless Telecommunication Facilities shall meet the current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate personal wireless telecommunication service facilities. Failure to meet such revised standards and regulations shall constitute grounds for revocation of Township approvals and removal of the facility at the owner's expense.

E. Safety Standards. All personal wireless Telecommunications Facilities shall conform to the requirements of the international building code and national electrical code, as applicable.

F. Abandonment. Personal wireless Telecommunication Facilities which are abandoned by nonuse, disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the facility owner. Should the owner fail to remove the facilities, the Township may do so at its option, and the costs thereof shall be a charge against the owner and reconvened by certification of the same to the County Treasurer for collection as taxes. If an owner wishes to begin utilizing abandoned equipment again, it must submit a new application.

G. Third Party Review

[1] Telecommunications Carriers use various methodologies and analysis tools, including geographically based computer software to determine the specific technical parameters of facilities, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances, there may be a need for expert review by a third party of the technical data submitted by the provider.

The Township may require such a technical review to be paid for by the Applicant for a Telecommunications Facility. The selection of the third-party expert may be by mutual agreement between the Applicant and the Township or at the discretion of the Township, with a provision for the applicant and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site-specific review of technical aspects of the facilities and now a subjective review of the site selection. The expert review of the technical submission shall address the following:

- a. The accuracy and completeness of the submission;
- b. The applicability of analysis techniques and methodologies;
- c. The validity of conclusions reached;
- d. Financial statements prepared in accordance with generally accepted accounting principles demonstrating the applicant's financial ability to construct, operate, maintain relocate and remove the telecommunications facilities.
- e. Information to establish the applicant's technical qualifications, experience and expertise regarding the Telecommunications Facilities and Telecommunications Services described in the application.
- f. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the Telecommunications Facilities and to offer or provide the Telecommunications Services.
- g. Information to establish that the Telecommunications Facility meets the current standards and regulations of any agency of the federal government with the authority to regulate telecommunications facilities.
- h. Information to establish that the proposed telecommunications facility conforms to the requirements of the international building code and national electrical code, as applicable.
- i. Any specific technical issues designated by the Township.

[2] Based on the results of the third-party review, the Township may require changes to the application for the facility that comply with the recommendation of the expert.

H. Master License Agreement

[1] A Master License Agreement entered into pursuant to this Chapter shall include the following provisions:

- a. The term shall not exceed twenty-five 25 years
- b. The following conditions shall apply to the issuance of site-specific supplemental licenses for:

[1] Small Cell Equipment

(i) The proposed installation must not be in excess of the height of the Existing Pole, before the installation, plus six (6) feet.

(ii) The proposed installation shall be constructed, finished, painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact in surrounding properties.

(iii) Proposal must include an engineer's certification verifying the structural integrity of the pole.

(iv) The placement of equipment cabinets along with any Small Cell Equipment installation must be conforming to the following:

1. For sites located within Non-Residential Zones, no pole-mounted Small Cell Equipment may project beyond the side of the pole more than thirty (30) inches.

2. Except for in a flood zone, no ground-mounted Small Cell Equipment (i) may exceed seven (7) feet in height, (ii) occupy more than thirty-six (36) square feet of ground area, (iii) be located more than fifteen (15) feet from the Existing Pole, (iv) may fail to comply with required sight triangles and breakaway design in accordance with AASHTO regulations. However, Applicant may seek relief from this requirement from the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70(d)(1).

(v) No Small Cell Equipment shall be placed within five hundred (500) feet of an existing Small Cell Equipment installation. This shall not preclude the co-location of two such facilities on the same pole, or within the same vault.

(vi) The cumulative size of a Small Cell Equipment installation for any one size shall not exceed twenty (20) cubic feet.

I. Wireless Poles

[1] Wireless Poles are not permitted in Residential Zones that, as of June 30, 2018, do not have wooden utility poles of any kind already installed. However, Applicant may seek relief from this requirement from the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70(d)(1).

[2] Wireless Poles shall be of the same type (i.e. wooden, steel) as the existing utility poles located on either side of it and shall not be higher than one hundred fifteen percent (115%) of the average height of the existing utility poles within five hundred (500) feet, but in no event higher than thirty (30) feet in height, and no antenna or attachment shall extend more than six (6) feet above said utility pole. If there are no existing utility poles in the Public Rights-of-Way within five hundred (500) feet of the proposed utility pole, the Carrier shall submit a plan for a proposed Stealth Structure for review and approval of the Township Communications Technician.

[3] Wireless Poles are not permitted in areas with underground utilities. However, Applicant may seek relief from this requirement with the appropriate authorities.

[4] The height of the Wireless Pole, including the Small Cell Equipment Installation, cannot be any more than six feet higher than the height of the two nearest Existing Poles.

[5] The Proposed Wireless Pole shall be constructed, finished, painted, or otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact in surrounding properties.

[6] No Wireless Pole may be spaced less than five hundred (500) linear feet from another Existing Pole or proposed Wireless Pole that is capable of supporting Small Cell Equipment. However, this requirement may be administratively waived for Wireless Poles that are proposed to be replaced with Non-Residential Zones where the proposal is determined to be aesthetically consistent with the surrounding landscape.

[7] Applicant must demonstrate that the Wireless Pole has received all necessary historic preservation reviews.

[8] The Wireless Pole cannot exceed thirty (30) feet, or the maximum permitted height of the particular zone in which it is to be located, whichever is taller. However, Applicant may seek relief from this requirement from the Zoning Board of Adjustment.

[9] The Wireless Pole cannot be placed in such a way that it encroaches upon blocks sight triangles.

[10] Applicant must demonstrate that the proposed small cell equipment cannot be co-located.

§ 245-278.4. Priority of Location and Application Process.

- A. Location: Small Cell Facilities that cannot be collocated are permitted in Township rights-of-way, upon facilities in these rights-of-way and on public easements owned by the Township under the following priority:
- [1] First, on a Township-owned utility pole, which shall be removed and replaced with a pole designed to contain all antennae and equipment within the pole to conceal any ground-based support equipment and ownership of which pole is conveyed to the Township.
 - [2] Second, as Township-owned utility pole with attachment of the small cell facilities in a configuration approved by the Township.
 - [3] Third, on a third-party owned utility pole, (with the consent of the owner thereof), with attachment of the small cell facilities in a configuration approved by the Township.
 - [4] Fourth, on a traffic signal pole or mast arm in a configuration approved by the Township, or in the case of a DOT facility, by DOT.
 - [5] Fifth, on a freestanding or ground-mounted facility which meets the definition of and requirements for an Alternative Tower Facility in a location and configuration approved by the Township.
- B. Application Process
- [1] Survey. Every Applicant must provide the Township with a Professional Survey demonstrating that the area on which it proposes to place Small Cell Equipment and/or a Wireless Pole is located with the Public Right-of-Way. Applicant must also provide Easting and Northing coordinates in State Plane for inclusion in a GIS inventory.
 - [2] Small Cell Equipment. The Township Communications Technician shall review all applications and make a recommendation to the Township Council as to whether a supplemental license is in compliance with the terms of this Ordinance and the Master License Agreement and may therefore be issued.
 - [3] Wireless Poles. The Township Communications Technician shall review all applications and make a recommendation to the Township Council as to whether a supplemental license is in compliance with the terms of this Ordinance and the Master License Agreement and may therefore be issued.
 - [4] Any denial of a supplemental license must be in writing and provide the facts upon which such a denial is based.
- C. An application for a license under this Section shall be accompanied by a payment of a Five Hundred (\$500.00) dollar fee.
- D. Pursuant to N.J.S.A. 54:30A-124, the Township shall recover reasonable fees for actual services incurred in the review of all Applicants under this section. Applicant shall make a Five Thousand (\$5,000) Dollar deposit toward Anticipated Municipal Expenses which shall be placed in an escrow account. If said escrow account contains insufficient funds to enable the Township to perform its review the Chief Financial Officer shall provide the Applicant a notice of insufficient balance. In order for review to continue, the Applicant shall, within thirty (30) days, post a deposit to the account in an amount to be mutually agreed upon.

- E. An Applicant, upon receiving a supplemental license for the placement of Small Cell Equipment or a Wireless Pole in the Public Right-of-Way, may proceed in requesting all other necessary street opening permits and building permits, and, upon receiving same, may proceed with construction. Applicants must comply with all other state and federal laws, rules and regulations along with any other applicable local ordinances.

§ 245-278.5. Assignment or Transfer of Small Cell Facility Licenses.

Ownership or Ownership or control of a license issued pursuant to this Section may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the Township as expressed by Resolution.

§ 245-278.6. General Indemnification of Township in Connection with Telecommunications Facilities.

Each license grantee shall indemnify and hold the Township and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its Telecommunications Facilities, and in providing or offering Telecommunications Services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a grant agreement made or entered into pursuant to this Chapter.

§ 245-278.7. Revocation or Termination of License.

- A. The Township may revoke a license granted under this Chapter for the following reasons:

- [1] Construction or operation without a license.
- [2] Construction or operation at an unauthorized location.
- [3] Unauthorized substantial transfer of control of the grantee.
- [4] Unauthorized assignment of a license.
- [5] Unauthorized sale, assignment or transfer or grantee's assets, or a substantial interest therein.
- [6] Misrepresentation or lack of candor by or on behalf of a grantee in any application to the Township.
- [7] Abandonment of the Telecommunications Facility. A Telecommunications facility shall be deemed "abandoned" if it is either disconnected from power service or unused for greater than six (6) months. Abandoned Telecommunications Facilities shall be removed by the owner. Should the owner fail to remove the Telecommunication Facility, the Township may do so at its option, and the costs thereof shall be a charge against the owner.
- [8] Insolvency or bankruptcy of the grantee.
- [9] Material violation of the Township's Revised General Ordinances.

- B. In the event that the Township believes that grounds exist for revocation of a license, it shall give the grantee written notice of the apparent violations or noncompliance, providing a statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time not exceeding 30 days to furnish evidence:
- [1] That corrective action has been undertaken, or is being actively and expeditiously pursued, to remedy the violation or noncompliance; and
 - [2] That rebuts the alleged violations or noncompliance; and
 - [3] That it would be in the public interest to impose some penalty or sanction less than revocation.
- C. The Township shall consider the apparent violation or noncompliance in a public meeting, with respect to which the grantee shall be given notice and a reasonable opportunity to be heard concerning the matter.

§ 245-278.8. Notification Required.

- A. Any Telecommunications Carrier who desires to change an existing use, construct, install, operate, maintain, or otherwise locate a Telecommunications Facility in the Township shall provide notice to property owners certified by the Township Administrator to be within two hundred (200') feet of the proposed Telecommunications Facility.
- B. Notice shall be given to a property owner by:
- [1] serving a copy thereof on the property owner as shown on the current certified tax list, or his or her agent in charge of the property; or
 - [2] mailing a copy thereof by certified mail and regular mail to the property owner at the address as shown on the said current certified tax list, and service by mailing shall be deemed complete upon deposit with the U.S. Postal Service; and
- C. Notice pursuant this Section shall state the identity of the Telecommunications Carrier; a description of the Telecommunications Services that are or will be offered or provided; a description of the location(s) of any Telecommunications Facilities; and a description of the Telecommunications Facilities to be installed and the location of the Telecommunications Facilities. The notice shall also advise that a copy of the applicant's application is on file with the Township Administrator and may be reviewed by the public.
- D. Notice shall include such other and further information as may be required by the Township Administrator.
- E. In the case of an application of an application that seeks to construct, install, operate, maintain, or otherwise locate a Telecommunications Facility or equipment on any property owned or controlled by the County – including but not limited to, a County right-of-way ---the applicant shall also provide notice to and obtain a permit from the County authorizing the placement of such Telecommunications Facility on any such property or right-of-way.

This section shall be in addition to and not in lieu of any notice provisions set forth in statute, rule or regulation.

SECTION 2. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 3. A copy of this Ordinance shall be forwarded, after introduction, to the Brick Township Planning Board for a Master Plan consistency review in accordance with N.J.S.A. 40:55D-64.

SECTION 4. This Ordinance shall take effect upon (i) filing with the Ocean County Planning Board in accordance with the Municipal Land Use Law; and (ii) adoption and publication in an official newspaper of the Township, as required by and in conformance with 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 22nd day of March, 2022, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 12th day of April, 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