

Brick Township Council Caucus/Public Meeting April 26, 2022 7:00 PM Agenda No. 1

1.	Call to	order.
2.	Star on	te notice of this meeting was provided and published in <u>Asbury Park Press</u> and <u>The Ocean</u> January 7, 2022. Copies of the agenda were provided to the newspapers, posted on public boards and the township website (www.bricktownship.net).
3.	a. b.	Roll Call. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
4.	Munic	pal Budget Hearing:
	1. 2. 3. 4.	Authorize Reading of Budget by Title Only. Motion to Open Public Hearing on Budget. Motion to Close Public Hearing on Budget. Adoption of the 2022 Municipal Budget.
	"All ma form lis	Consent Agenda tters listed under item "Consent Agenda" will be enacted by one motion in the ted below. If discussion is desired on any item, this item will be removed from the Consent Agenda and will be considered separately."
5.	Resolu	utions:
	123456789.	Authorize Acceptance of 2021 Audit. Authorize 2022 Temporary Capital Budget. Amend Resolution No. 171-22 - Youth Leadership Grant — Brick Municipal Alliance Program. Authorize Award of Bid — Purchase & Delivery of Janitorial Supplies Remaining Items. Authorize Award of Bid — Road Improvements to Lawrence Drive & Old Silverton Road. Authorize Award of Bid - Mobile Ice Cream Truck. Authorize Sale of Surplus Property — Solar Renewable Energy Certificates. Authorize Execution of Maintenance Agreement with the County of Ocean — Block 869.33 Lot 32 & Block 870 Lot 45. Bond Releases/Reductions: a. Performance Bond Release — Home Mark Homes — Pine & Forest Avenues. b. Inspection Fund Release — Scott's Masonry & General Contracting — Jack Martin Blvd Tax Collector: a. Tax Overpayments — 2022. b. Cancel & Escheat Premium Monies for Tax Sale Certificates.
	11. 12.	Bill Resolution – Computer 2022. Bill Resolution – Manual 2022.
6.	Ordina	ances on First Reading:
	1. 2.	Vacating Rights to a Public Right-of-Way – Division Street - Block 857 Lot 22. Bond Ordinance – Nejecho Beach Lagoon Dredging Project.
7.	Ordin	ance on Second Reading:
	1.	Authorize Special Tax Assessment for Nejecho Beach Lagoon Dredging Project.
8.	Pleas durin	Comments. e note that each person addressing the Council during any section of the meeting g which public comment is permitted shall limit his/her remarks to five minutes ant to Brick Township Administrative Code Section 2 -33B.
9.	Coun	cil Comments.

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

Motion to Adjourn.

10.

**Next scheduled Caucus/Public Meeting will be held on Tuesday, May 10, 2022 at 7:00 p.m.

WHEREAS, N.J.S.A. 40A:4-8 provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

- 1. At least one week prior to the date of the hearing, and at the hearing, a complete copy of the approved budget shall be made available for public inspection. [N.J.S.A. 40A:4-8].
- 2. Shall be made available to each person upon request.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, that it is hereby declared that the conditions of N.J.S.A. 40A:4-8 have been met and therefore the Budget for 2022 shall be read by title.

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 26, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26^{th} day of April, 2022.

Agenda #	4/ Date 26/22
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BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$80,547,357.50 – (Item 2 below) for municipal purposes, and Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

RECORDED VOTE:

2

AYES:

NAYS:

SUMMARY OF REVENUES

1	GENERAL REVENUES:				
	Surplus Anticipated	\$	9,950,000.00		
	not it in an analytical	¢	10 157 611 22		

Miscellaneous Revenues Anticipated \$ 18,157,611.22

Receipts from Delinquent Taxes \$ 2,600,000.00

AMOUNT to be RAISED for TAXATION for MUNICIPAL PURPOSES:

(Item 6(a), Sheet 11) \$ 80,547,357.50

TOTAL REVENUES \$ 111,254,968.72

SUMMARY OF APPROPRIATIONS

5 GENERAL APPROPRIATIONS:

Within "CAPS"

(a & b) Operations Including Contingent(e) Deferred Charges and Statutory Expenditures -	\$ 75,749,071.23
Municipal	\$ 12,256,680.01
(g) Cash Deficit	\$ -
Excluded from "CAPS" (a) Operations - Total Operations Excluded from	
(a) Operations - Total Operations Excluded from "CAPS"	\$ 2,857,934.11
(c) Capital Improvements	\$ 500,000.00
(d) Municipal Debt Service	\$ 15,956,918.94
(e) Deferred Charges - Municipal	\$ 200,000.00
(f) Judgements	\$
(n) Transferred to Board of Education	\$ -
(g) Cash Deficit	\$ -
(m) Reserve for Uncollected Taxes	\$ 3,734,364.43

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\$ 111,254,968.72

TOTAL APPROPRIATIONS

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 26, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April, 2022.

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum the sections of the annual audit entitled:

General Comments
Comments and Recommendations
Auditor's Opinions

and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Comments and Recommendations
Auditor's Opinions

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

"R.S. 52:27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, That the Township Council of the Township of Brick, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CERTIFICATION

I, Lynnette A. lannarone, 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 26, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April, 2022.

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WHEREAS, the Township of Brick desires to constitute the 2022 temporary capital budget of said municipality by inserting therein various projects.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Brick as follows:

Section 1. The 2022 temporary capital budget of the Township of Brick is hereby constituted by the adoption of a schedule to read as follows:

Projects No. 1
Temporary Capital Budget of the Township of Brick
County of Ocean, New Jersey
Project(s) Scheduled for 2022
Various Projects
Method of Financing

	Project	Estimated Cost	Budget Appropriation	Capital Improvement Fund	General Bonds	Special Assessment Bonds
1	Dredging	\$ 300,000.00	\$ -	\$ 14,300.00	\$ -	\$ 285,700.00
	Totals	\$ 300,000.00	<u> </u>	\$ 14,300.00	<u>_s</u>	\$ 285,700.00

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2022 temporary capital budget, to be included in the 2022 permanent capital budget as adopted.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on April 26, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April 2022.

Agenda# 5-2	1/Date
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Governor's Council on Alcoholism and Drug Abuse FORM 1B – DMHAS Youth Leadership Grant

WHEREAS, on April 12, 2022 The Township Council of the Township of Brick adopted resolution 171-22 authorizing 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

WHEREAS, on April 15, 2022 the Township of Brick received notification that the eligible amount has changed to approximately \$7,371.02; and

WHEREAS, the revised allocation of the DMHAS Youth Leadership Grant funding is based on a county formula based on youth population data as well as a reallocation from non-participating municipal alliances. There will not be a Cash Match or In-Kind requirement. All funds are contingent upon receipt of grant funds through the Governor's Council on Alcoholism and Drug Abuse and approval by the Ocean County Board of Health.

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 **revised amount of:**

DMHAS Grant Funding \$7,371.02

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 26, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April, 2022.

Agenda # 5~3 Agenda #	4/Date /2is/dd Date
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WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the Purchase and Delivery of Janitorial Supplies (Remaining Items) on Thursday, April 7, 2022; and

WHEREAS, the bid has been reviewed by the Superintendent of Public Works, Superintendent of Recreation, Supervisor of Buildings & Grounds and Program Director of Senior Services; and

WHEREAS, the Superintendents, Supervisor and Program Director have recommended the award of said bid to the sole responsive and responsible bidder on a per item basis being in full compliance with 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. The contract for the Purchase and Delivery of Janitorial Supplies (Remaining Items) is hereby awarded to W.B. Mason Co., Inc., 300 Prospect Plains Road, Cranbury, NJ 08512 in accordance with the attached schedule of prices.
- 2. That this contract shall commence on April 27, 2022 and end on March 10, 2024 with prices remaining firm fixed through the duration of the contract.
- 3. That this contract shall not exceed \$45,000.00 per year with funds to be certified prior to each order. Sufficient funds are available pending adoption of the 2022 and future budgets under the appropriations entitled:
 - Buildings and Grounds Janitor., Laundry & Hou. Mn, account 2-01-26-310-252
 - Buildings and Grounds Maintenance, account 2-01-26-310-254
 - Vehicle Maintenance Janitorial Supplies, account 2-01-26-315-252
 - Maintenance of Parks Janitor., Laundry & Hou. Mn, account 2-01-28-375-252
 - Beach & Boardwalk Ops Janitor., Laundry, & Hou. Mn, account 2-01-28-380-252
 - Recreation Rider Special Events, account T-03-56-862-218
 - Recreation Rider Summerfest Expenses, account T-03-56-862-299
 - Recreation Rider B&G Maintenance Supplies, account T-03-56-862-254
 - Senior Services Office Materials & Supplies, account 2-01-27-331-253
- 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 copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Superintendent of Public Works, Superintendent of Recreation, Program Director of Senior Services and Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 26th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April, 2022.

Agenda# 5-4	4/ Dalo
Agenda #	Date
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Agenda #	Date

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the Road Improvements to Lawrence Drive & Old Silverton Road on Tuesday, April 12, 2022; and

WHEREAS, the bids have been reviewed by T&M Associates; and

WHEREAS, the consulting engineer 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 Road Improvements to Lawrence Drive & Old Silverton Road is hereby awarded to Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ 08872 for a total amount of \$335,325.38.
- 2. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto. The following are the line item appropriations and ordinances which constitute the availability of funds for this contract:

Ordinance #7-20 - account C-04-55-869-401 - \$64,048.27 Ordinance #11-21 - account C-04-55-877-401 - \$271,277.11

- 3. 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.
- 4. That the Division of Purchasing and Contracting is hereby authorized to return any and all bid securities submitted by any unsuccessful bidders pursuant to N.J.S.A. 40A:11-24.
- That the Township Clerk shall further forward a certified copy of this resolution to the contractor, T&M Associates, Business Administrator, Chief Financial Officer, Township Engineer, Superintendent of Public Works, 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 26th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April, 2022.

Agenda # 5-5	4/ Daté 26/22
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Agenda #	Date
Agenda #	Date

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for Mobile Ice Cream Truck on Thursday, April 14, 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 THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

- 1. That the contract for the Mobile Ice Cream Truck is hereby awarded to Piper's Treats, LLC, 18 Adamston Drive, Brick, NJ 08723.
- 2. That a cashier's check in the amount of \$2,800.00 has been submitted by Piper's Treats, LLC for the exclusive rights to be the Mobile Ice Cream Truck vendor for awarded Township parks.
- 3. That this award is for the 2022 summer season and concluding on September 5, 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 the Purchasing Agent.

CERTIFICATION

I, Lynnette A. lannarone, 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 26th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April, 2022.

Agenda #	4/Date /86/83
Agenda #	Date
Agenda #	Date
Agenda #	Date

AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, it has been brought to the attention of the Township Council of the Township of Brick that there exists a surplus of personal property no longer needed for public use; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-36 and Local Finance Notices 2019-15 and 2021-18 provide for the sale and disposition of personal property no longer needed for public use; and

WHEREAS, the Township of Brick intends to utilize the online auction services of Flett Exchange, LLC, 95 River Street, Suite 208, Hoboken, NJ 07030 at the website www.flettexchange.com; and

WHEREAS, the Purchasing Agent has indicated that there are three hundred and five (305) Solar Renewable Energy Certificates which are surplus personal property no longer needed for public use and requests authorization to auction the surplus on the Flett Exchange website.

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

- 1. That the Township is hereby authorized to advertise the sale of surplus personal property no longer needed for public use identified as Auction 2022-2 in accordance with N.J.S.A. 40A:11-36 for the sale of three hundred and five (305) Solar Renewable Energy Certificates.
- 2. That Flett Exchange is hereby authorized to post the sale of personal property no longer needed for public use identified as Auction 2022-2 on website at www.flettexchange.com.
- 3. That the Terms and Conditions of the agreement entered into with Flett Exchange are available in the Township Clerk's Office.
- 4. That the auction will be held on Wednesday, May 11, 2022 commencing at 11:00 a.m. and concluding at 12:00 p.m. Eastern Standard Time.
- 5. That Township of Brick reserves the right to reject all bids if it determines such rejection to be in the public interest.
- 6. That in the event there are no bidders, unsold items will be automatically relisted for sale after the close of an online public auction.
- 7. That a certified copy of this resolution shall be forwarded to Flett Exchange, Business Administrator, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. lannarone, 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 26th day of April 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April 2022.

Agenda #	1/Date /36/22
Agenda #	Date
Agenda#	Date
Agenda #	Date

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT WITH THE COUNTY OF OCEAN FOR MANAGEMENT OF OPEN SPACE PROPERTY KNOWN AS BLOCK 869.33, LOT 32 AND BLOCK 870, LOT 45

WHEREAS, the Township and the County of Ocean acquired property in December 2021 designated as Block 869.33 Lot 32 and Block 870 Lot 45, known as the Gilbert Property, as part of their open space preservation program (the "Property"); and

WHEREAS, the County and the Township agreed that the Township would accept maintenance and management responsibility for the Property as a County Natural Lands Trust Preserve; and

WHEREAS, the Township desires to enter into a Maintenance Agreement with the County that sets forth the management responsibilities of the Township and the County with regard to the Property; and

WHEREAS, the Governing Body desires to authorize the execution of a Maintenance Agreement, on file in the Township Clerk's Office, with the County to memorialize said agreement;

NOW, THEREFORE, BE IT RESOLVED:

- 1. That the Mayor and Township Clerk are authorized to execute and attest to, respectively, the Maintenance Agreement.
- 2. That a certified copy of this Resolution shall be provided to the County of Ocean.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting held on April 26, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Township this 26th day of April, 2022.

Agenda # 5-8	4/ Dale /2년/32
Agenda #	Date
Agenda#	Date
Agenda #	Date

WHEREAS, Home Mark Homes, 509 Drum Point Road, Brick, NJ 08723 had posted a cash performance bond in the amount of \$16,711.59 and Ocean First Letter of Credit No 1211 in the amount of \$150,404.14 to guarantee improvements to Pine and Forest Avenues (Blocks 807 & 804 Lots 1, 13 & 9) in the Township of Brick; and

WHEREAS, the Township Engineer, by letter dated April 11, 2022 has advised that the property has been sold to CCG Real Estate, LLC.; and

WHEREAS, CCG Real Estate, LLC. has submitted a check as replacement of the existing performance cash guarantee and replacement of the inspection fund originally posted by Home Mark Homes; and

WHEREAS, the Township Engineer recommends that the cash performance bond in the amount of \$16,711.59 be returned to the applicant and the Ocean First Letter of Credit No 1211 in the amount of \$150,404.14 be returned to Ocean First Bank; 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 \$16,711.59 be returned to the applicant and the Ocean First Letter of Credit No 1211 in the amount of \$150,404.14 be returned to Ocean First Bank; and
- 2. That the Municipal Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on April 26, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April, 2022.

Agenda# 5-9a	4/Date /26/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated April 12, 2022 that there is \$250.00 remaining in the engineering inspection fund from Scott's Masonry & General Contracting, Inc, 325 Bellanca Road, Brick, NJ 08723 for 415 Jack Martin Boulevard (Block 1170 Lot 18.02/18.03) 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 \$250.00 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 \$250.00 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. lannarone, 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 26, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April, 2022.

Agenda # 6-9b	4/Dale /26/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

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

Block/Lot/Account #	<u>Name</u>	<u>Amount</u>
1426.07/7/727507 1211 Andover Rd.	McCaffrey, Kevin & Rosemarie	\$512.24
378.38/6/207852 152 Marilyn Dr.	Bellisano, Joseph & Sharon	\$533.20
383.07/39/309249 373 Georgia Dr.	Spitale, Anthony J.	\$608.54
869.13/14/415568 140 Taylor Blvd.	Hock, Craig H.	\$555.82
971/9/517944 589 Robin Hood Rd.	Holford, Arthur & Virginia	\$692.51
1052/7/518887 107 Roosevelt Dr.	Carabellese, Frank & Donna	\$510.88
1210.05/39/622545 15 Vernon Ct.	Duclos, Ronald & Karen	\$419.49

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on 26th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 26th day of April, 2022.

Agenda # 5-/0 a	4/ Date /26/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there remain Premium monies held in the Trust Account to be escheated.

WHEREAS, the Tax Lienholder has failed to enforce their Lien within five years.

WHEREAS, The Tax Collector is requesting authorization to cancel and escheat these monies to the Township Treasurer in the amount of \$38,200.00 as per NJSA 54:5-33.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL IN THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, that the Tax Collector is authorized to cancel and escheat monies as stated, totaled below and issue a check to the Township Treasurer.

Certificate #	Amount
2016-13	\$ 100.00
2016-79	\$ 700.00
2017-0153	\$ 1,000.00
2016-210	\$25,000.00
2017-0232	\$11,400.00

CERTIFICATION

I, Lynnette A. lannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on 26th day of April, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of this Township this 26th day of April, 2022.

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ORDINANCE

AN ORDINANCE VACATING ANY RIGHTS TO A PUBLIC RIGHT-OF-WAY ACROSS PROPERTY KNOWN AS BLOCK 857, LOT 22, TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY.

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

Section 1. Pursuant to the authority vested in the Township of Brick by N.J.S.A. 40:67-21, it is hereby ordained that, subject to the provisions of this Ordinance, all public rights owned by the Township of Brick in a ten foot wide right-of-way across property designated as Block 857, Lot 22 on the Tax Map of the Township of Brick and designated as 35 Division Street (hereafter referred to as the Property), be and are hereby vacated. The Property is described as follows:

All that certain tract, lot and parcel of land lying and being in the Township of Brick, County of Ocean and State of New Jersey, being more particularly described as follows:

10' Access Easement

Beginning at a point 70.20 feet Northwesterly from a monument found set in the Westerly line of Division Street (varied width) and running thence;

- 1. South 71°26'00" East, 10.00 feet to a point; thence
- 2. South 17°55'00" West, 150.86 feet to a point; thence
- 3. North 67°16'00" West, 10.00 feet to a point; thence
- 4. North 17°55'00" East, 150.13 feet to the point and place of Beginning;
- 5. Being a 10.00 access easement running through a portion of the same lands conveyed by Anthony Marzarella and Nancy Marzarella, his wife to Rene and Susan Carmenaty, husband and wife by deed dated December 14, 1995 and recorded December 21, 1995 in the Ocean County Clerk's Office as Deed Book 5329 Page 241.
- 6. Being known as Lot 22 in Block 857 on the Official Tax Map of the Township of Brick, Ocean County, New Jersey and as 35 Division Street.
- 7. The hereinabove description being drawn in accordance with a survey made by ELS Surveying, LLC and dated December 18, 2020.
- **Section 2.** A certified copy of this Ordinance shall be filed with the Clerk of Ocean County.
 - Section 3. This Ordinance shall take effect in accordance with the law.
- **Section 4.** Notwithstanding this Ordinance there is hereby reserved and excepted from said vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television franchise company as defined in the "Cable Television Act." P.L. 1972, c. 186 (c. 48:5A-1 et seq.), to maintain, repair or replace their existing facilities in, adjacent to, over or under any part thereof to be vacated.
- **Section 5**. This Ordinance is expressly conditioned upon title to the Property being hereby vacated merging with title to the adjacent property(s).

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Section 5. This Ordinance is expressly conditioned upon title to the Property being hereby vacated merging with title to the adjacent property(s).

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 26th 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 10th day of May, 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 person desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANARONE TOWNSHIP CLERK

JOHN G. DUCEY MAYOR

TOWNSHIP OF BRICK BOND ORDINANCE

BOND ORDINANCE PROVIDING FOR THE DREDGING OF THE NEJECHO BEACH LAGOON (BLOCK 97, LOTS 96-114 AND BLOCK 98, LOTS 1, 2, 83-95), IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,700 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as a local improvements to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township"), pursuant to N.J.S.A. 40:56-1 <u>et seq.</u>, and the costs of said improvements shall be assessed on those properties specially benefitted thereby. For the improvements or purposes stated in Section 3, there is hereby appropriated the amount of \$300,000, including the amount of \$14,300 as the down payment for the improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 <u>et seq.</u> (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes and to meet the part of the \$300,000 appropriation not provided for by application hereunder of the down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$285,700 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$285,700 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued is for the dredging of the Nejecho Beach Lagoon along various real properties in the Nejecho Beach Area, including Block 97, Lots 96-114 and Block 98, Lots 1, 2, 83-95, which properties are privately owned, such improvements and purposes may also include, but are not limited to, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the

improvements or purposes herein is \$285,700.

(c) The estimated cost of said improvements or purposes is \$300,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$285,700, is the down payment for said improvements or purposes in the amount of \$14,300.

(d) The properties to be specifically benefited by these improvements are Block 97, Lots 96-114 and Block 98, Lots 1, 2, 83-95 (collectively, the "Assessed Properties"), which Assessed Properties are also on file in the office of the Township Clerk and are hereby incorporated in this bond ordinance as if more fully set forth herein.

(e) The estimated total cost of the improvements or purposes to be

assessed against the Assessed Properties is \$300,000.

(f) The estimated total cost of the improvements or purposes to be contributed and borne by the Township is \$0.

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SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received. In the event, however, that any amount so contributed or granted shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Township. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Township, a revised capital or temporary capital budget for the Township has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements and purposes described in Section 3 of this bond ordinance shall be undertaken as local improvements and are not current expenses and are improvements which the Township may lawfully undertake as local improvements, the costs of which have been or shall be specially assessed on the Assessed Properties, which Assessed Properties shall be specially benefited thereby.
- (b) The Township will contribute \$0 to the cost of the improvements or purposes described in Section 3 hereof, and the Assessed Properties will contribute \$300,000 to the cost of the improvements or purposes described in Section 3 hereof.
- (c) The number of annual installments in which the special assessments may be paid is ten (10) years.
- (d) The estimated maximum amount of special assessments shall be \$300,000.
- (e) At least seven (7) days prior to such time fixed for further consideration for final passage of this bond ordinance, a copy of this bond ordinance, together with a notice of the introduction hereof, and the time and place, when and where this bond ordinance will be further considered for final passage shall be mailed to the person whose land may be affected by this bond ordinance or any assessments which may be made in pursuance thereof, so far as the same may be ascertained, to his/her last known post office address.
- (f) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

- (g) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$285,700 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (h) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements described herein.
- (i) If the amount of the assessments on the Assessed Properties is less than \$300,000, then the Township will contribute the difference between such reduced assessment and the cost of the improvements.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, such as the special assessments on the Assessed Properties, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance on a tax-exempt basis.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond 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 26th 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 10th day of May, 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 person desiring to be heard upon the same will be given the opportunity to be so heard.

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.

TYPULTAL SALLAND Y LYNNETTE A. IANNARONE

TOWNSHIP CLERK

JOHN G. DUCEY MAYOR

Agenda # 4/Date

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