



Brick Township Council
Caucus/Public Meeting
September 13, 2022
7:00 PM
Agenda No. 1

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on January 7, 2022. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).
3.
 - a. Roll Call.
 - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
 - c. Approve Minutes of August 23, Meeting.
 - d. Presentations:
 1. Eagle Scout Award – Gage W. Bartolucci, BSA Troop 39.
 2. Eagle Scout Award – Rafael M. Gonzales-Trelles, BSA Troop 39.

Consent Agenda

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

4. Resolutions:

- _____ 1. Authorize Insertion of Chapter 159 – Recreational Opportunities for Individuals with Disabilities – Handicapped ROID Grant 2022.
- _____ 2. Authorize Temporary Right-Of-Entry, Right-Of-Way – Renourishment Project – Block 37, Lot 10, 11 & 12.
- _____ 3. Authorize Receipt of Bids – Fletcher Street Drainage Extension.
- _____ 4. Authorize Receipt of Bids – Addition to Access Control System.
- _____ 5. Authorize Receipt of Bids – Professional Services.
- _____ 6. Authorize Rebid for Purchase & Delivery of Construction Supplies.
- _____ 7. Authorize Award of Contract – Heating, Ventilating & Air Conditioning Maintenance & Repair Services.
- _____ 8. Authorize Award of Contract – Computer & Printer Supplies.
- _____ 9. Authorize Close Out Change Order #1 – Windward Beach Park ADA Improvements.
- _____ 10. Authorize Close Out Change Order #2 – Bayside Park Improvements.
- _____ 11. Authorize Close Out Change Order #1 – Bay Harbor Phase I Roadway Improvements.
- _____ 12. Authorize Close Out Change Order #1 – Quail Run – Jaywood Manor Drive Roadway Improvements.
- _____ 13. Authorize Close Out Change Order #2 Roadway Improvements – Vanard Drive, Mathis Drive & Waterway Court.
- _____ 14. Authorize Refunds – Police Road Job Accounts.
- _____ 15. Authorization to Cancel Grants – 2022 Click It or Ticket It & 2021 Pump-out Boat
- _____ 16. Authorize Liquor License Transfer – Munson of Brick Wings LLC t/a Buffalo Wild Wings.
- _____ 17. Authorize Placement of Liens:
 - a. Removal of Debris & Clean-up – Block 673.15, Lot 3; Block 324.37, Lot 2.
 - b. Removal of Debris & Clean-up – Block 1427.01, Lot 21, 6/30/22
 - c. Removal of Debris & Clean-up – Block 1427.01, Lot 21, 8/30/22
- _____ 18. Bond Releases/Reductions:
 - a. Inspection Fund Release – Alan J. Cornblatt, Block 867, Lot 9.
 - b. Performance Bond Release – Robert Brooks, Block 142.31, Lot 5.05.
 - c. Inspection Fund Release – LeNoci Realty – Block 382.20, Lot 35.
- _____ 19. Tax Collector:
 - a. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 194.06, Lot 4
 - b. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 124, Lot 11.02
 - c. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 1404.03, Lot 41
 - d. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 1422.07, Lot 15
 - e. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 1210.10, Lot 10
 - f. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 380.13, Lot 23
 - g. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 701.08, Lot 16
 - h. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 211.04, Lot 32
 - i. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 870.01, Lot 4
 - j. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 383.32, Lot 16
 - k. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 1192.27, Lot 80



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- l. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 903.02, Lot 11
- m. Tax Overpayment – 2021 – Block 252.18, Lot 69
- n. Tax Overpayments – 2022 – Block 1427, Lot 6; Block 869.02, Lot 3; Block 622, Lot 21
- o. Cancellation of Special District Taxes – 2022 – Block 1500, Lots 1, 2 & 3

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

- ___ 20. Bill Resolution – Computer 2022.
- ___ 21. Bill Resolution – Manual 2022.

- 5. Ordinances on First Reading:
 - ___ 1. Amending Chapter 329 – “Registration of Defaulted Mortgage and Vacant Property”.

- 6. Ordinances on Second Reading:
 - ___ 1. Adopting Chapter 257 – Light Trespass in Residential Areas.
 - ___ 2. Authorize Agreement with Sports II Urban Renewal, LLC.
 - ___ 3. Amend Chapter 460 – “Vehicles, Operation Of.”

- 7. 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.

- 8. Council Comments.
- 9. 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, Sept. 27, 2022 at 7:00 p.m.****

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

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

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

NOW, THEREFORE BE IT RESOLVED, that Township Council of the Township of Brick in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of 2022 in the amount of \$8,800.00 which is now available from the New Jersey Department of Community Affairs – Recreational Opportunities for Individuals with Disabilities Grant – 2022.

BE IT FURTHER RESOLVED that the like sum of \$8,800.00 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – Recreational Opportunities for Individuals with Disabilities – Handicapped ROID Grant 2022.

BE IT FURTHER RESOLVED, that the above is the result of funds received from the New Jersey department of Community Affairs – Recreational Opportunities for Individuals with Disabilities – Handicapped ROID Grant 2022.

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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-1	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION FOR THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A RIGHT-OF-
ENTRY FOR TEMPORARY WORK AREA ON BLOCK 37, LOTS 10, 11 AND 12,
KNOWN AS BRICK BEACH 3, TO ALLOW FOR ACCESS TO THE STATE OF NEW
JERSEY TO PROCEED WITH STORM DAMAGE REDUCTION PROJECT**

WHEREAS, the Township owns property identified as Block 37, Lots 10, 11 and 12 on the official tax maps, also known as "Brick Beach 3" (the "Property"); and

WHEREAS, the Township recognizes that the beach is subject to constant erosion and degradation, thereby destroying a valuable natural resource and threatening the property of the Township and its residents; and

WHEREAS, the Township desires to cooperate with the State of New Jersey and the United States Army Corps of Engineers to construct and maintain the beach through the Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project (the "Project"); and

WHEREAS, in order to accomplish the Project in the Township, the State needs a Right-of-Entry for Temporary Work Area on and over the Property; and

WHEREAS, the Mayor and Township Council, upon the recommendation of the Township Engineer and Township Attorney, desire to approve the execution of a Right-of-Entry for Temporary Work Area, in the form attached hereto as Exhibit A;

NOW THEREFORE BE IT RESOLVED:

1. That the Mayor and Township Clerk are authorized to execute and attest to, respectively, the Right-of-Entry for Temporary Work Area in the form attached hereto as Exhibit A.
2. That a certified copy of this Resolution shall be provided to the State of New Jersey.

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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
42	9-13-22
Agenda #	Date

RESOLUTION

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

FLETCHER STREET DRAINAGE EXTENSION

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

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

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on September 13, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-3	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

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

ADDITION TO ACCESS CONTROL SYSTEM

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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-4	9-13-22
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 proposals for the following professional services:

- ACCOUNTANT SERVICES
- AFFORDABLE HOUSING COUNSEL
- ANIMAL CONTROL OFFICER SERVICES
- ARCHITECTURAL SERVICES POOL
- AUDITOR SERVICES
- BOND COUNSEL
- CODE ENFORCEMENT PROSECUTOR
- EMPLOYEE ASSISTANCE PROGRAM SERVICES
- ENGINEERING SERVICES POOL
- FINANCIAL ADVISOR
- HEARING OFFICER SERVICES POOL
- INSURANCE BROKER POOL
- LEGAL SERVICES POOL
- PLANNING SERVICES POOL
- PROPERTY APPRAISAL & INSPECTION SERVICES POOL
- PROPERTY MAINTENANCE BOARD ATTORNEY
- PROSECUTOR
- PUBLIC DEFENDER
- REDEVELOPMENT COUNSEL
- TOWNSHIP ATTORNEY
- VETERINARY 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 proposals for the above-mentioned professional services.
2. That the Division of Purchasing and Contracting is hereby authorized to prepare proposal specifications for the above-mentioned services in accordance with Chapter 19, P.L. 2004 (Pay-to-Play).

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on September 13, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-5	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, sealed bids were to be received by the Division of Purchasing and Contracting of the Township of Brick for the Purchase and Delivery of Construction Supplies on Friday, September 2, 2022; and

WHEREAS, no bids were received at the indicated time and place; and

WHEREAS, the Superintendent of Public Works recommends that the Township Council authorize the Division of Purchasing and Contracting to bid said service second time.

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

1. The Division of Purchasing and Contracting is hereby authorized to advertise for bid for the Purchase and Delivery of Construction Supplies.
2. The Division of Purchasing and Contracting is hereby authorized to prepare new bid specifications for the above mentioned project.

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 September 13, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-6	9-13-22
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 Heating, Ventilating & Air Conditioning Maintenance and Repair Services on Wednesday, September 7, 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 THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AS FOLLOWS:

1. That the contract for Heating, Ventilating & Air Conditioning Maintenance and Repair Services is hereby awarded to Unitemp Mechanical Degrees, LLC, 26 Worlds Fair Drive, Unit D, Somerset, NJ 08873 as per the attached schedule of prices.
2. That this is an open-ended contract with not to exceed amount of \$65,000.00 per year; therefore, funds shall be certified prior to each order. Sufficient funds are available in 2022 budget and pending adoption of the future budgets under an appropriation entitled Buildings & Grounds – Outside Contractors, account 2-01-26-310-291.
3. That this will be a two (2) year contract commencing on September 14, 2022 and ending on September 13, 2024.
4. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
5. That a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Superintendent of Public Works, Buildings & Grounds Supervisor and Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on September 13, 2022.

IN WITNESS WHEREOF, I hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-7	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing & Contracting for Computer & Printer Supplies on Tuesday, August 16, 2022; and

WHEREAS, the bids have been reviewed by the Director of Information Technology; and

WHEREAS, the Director of Information Technology has recommended the award of said bid, on a per item basis, to the lowest responsive and responsible bidder in compliance with the Administrative Requirements and Technical 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 Computer & Printer Supplies is awarded to the following vendors as per the attached schedule of prices:
 - MRA International, 200 Route 17, Mahwah, NJ 07430
 - The Tree House, Inc., P.O. Box 413, Norwood, MA 02062
2. That this is a unit price bid; therefore, funds shall be certified prior to each order; with a total amount not to exceed \$50,000.00. Sufficient funds are available in 2022 budget and pending adoption of the 2023 budget under appropriation entitled Data Processing – Computer Accessories account 2-01-20-140-282; and capital budget under account C-04-55-860-501.
3. That this will be a one (1) year contract commencing on September 14, 2022 and ending on September 13, 2023.
4. That the Mayor is 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 vendors, Business Administrator, Chief Financial Officer, Director of Information Technology 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 September 13, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
48	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION
CLOSE OUT CHANGE ORDER #1**

WHEREAS, the Township of Brick previously awarded a contract to Earle Asphalt Company, P.O. Box 556, Farmingdale, NJ 07727 on June 9, 2021 for the project known as "Windward Beach Park ADA Improvements, Phase I" for a total contract price in the amount of \$169,113.13; and

WHEREAS, Earle Asphalt Company has completed the project; and

WHEREAS, the consulting engineer, Colliers Engineering & Design, has inspected the work and deemed the work to be complete; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.3 the consulting engineer has recommended the approval of Close-Out Change Order #1 decreasing the contract by (\$207.09) from \$169,113.13 to \$168,906.04 as a result of final as-built quantities; and

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

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

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

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

1. That the above-mentioned Change Order #1 is hereby approved decreasing the contract amount previously awarded to Earle Asphalt Company for Windward Beach Park ADA Improvements, Phase I project to \$168,906.04, refunding \$207.09 to 2020 CDBG Funds, account G-02-40-835-259.
2. That final payment to the contractor is hereby authorized to be made based upon the recommendation of the consulting engineer.
3. That the work performed by the contractor for the project is hereby accepted by the Township of Brick.
4. That return of Performance and Payment Bond #K40261345 in the amount of \$169,113.13 to the contractor is authorized.
5. That Maintenance Bond #K40261345M in the amount of \$16,890.61 provided by the contractor is hereby accepted.
6. That the Township Clerk shall forward a certified copy of the resolution to the contractor, Colliers Engineering & Design, Business Administrator, Township Engineer, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-9	9-13-22
Agenda #	Date
Agenda #	Date

**RESOLUTION
CLOSE OUT CHANGE ORDER #2**

WHEREAS, the Township of Brick previously awarded a contract to Precise Construction, Inc., 1016 Highway 33, Freehold, NJ 07728 on November 18, 2019 for the project known as "Bayside Park Improvements" for a total contract price in the amount of \$722,022.00 for base bid plus alternate A and B; and

WHEREAS, Change Order #1 was authorized on May 26, 2020 commensurately increasing the contract by \$34,400.00 from \$722,022.00 to \$756,422.00; and

WHEREAS, Precise Construction, Inc. has completed the project; and

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

WHEREAS, pursuant to N.J.A.C. 5:30-11.3 the consulting engineer has recommended the approval of Close-Out Change Order #2 decreasing the amended contract by (\$14,656.00) from \$756,422.00 to \$741,766.00 as a result of final as-built quantities; and

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

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

WHEREAS, it is now the desire of this Township Council to act upon the consulting engineer's recommendation and to approve said Close-Out Change Order #2.

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

1. That the above-mentioned Change Order #2 is hereby approved decreasing the contract amount previously awarded to Precise Construction, Inc. for Bayside Park Improvements project to \$741,766.00, refunding \$14,656.00 to Ordinance #9-13, account C-04-55-835-601.
2. That final payment to the contractor is hereby authorized to be made based upon the recommendation of the consulting engineer.
3. That the work performed the contractor for this project is hereby accepted by the Township of Brick.
4. That return of Performance and Payment Bond #0774939 in the amount of \$722,022.00 to the contractor is authorized.
5. That Maintenance Bond #0774939 in the amount of \$111,264.90 provided by the contractor is hereby accepted.
6. That the Township Clerk shall forward a certified copy of the resolution to the contractor, CME Associates, Business Administrator, Township Engineer, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

Agenda #	Date
4-10	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

**RESOLUTION
CLOSE OUT CHANGE ORDER #1**

WHEREAS, the Township of Brick previously awarded a contract to Meco, Inc., P.O. Box 536, Clarksburg, NJ 08510 on July 13, 2021 for the project known as "Bay Harbor Phase I Roadway Improvements" for a total contract price in the amount of \$384,749.12; and

WHEREAS, Meco, Inc. has completed the project; and

WHEREAS, the consulting engineer, Colliers Engineering & Design, has inspected the work and deemed the work to be complete; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.3 the consulting engineer has recommended the approval of Close-Out Change Order #1 decreasing the contract by (\$83,043.31) from \$384,749.12 to \$301,705.81 as a result of final as-built quantities; and

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

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

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

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

1. That the above-mentioned Change Order #1 is hereby approved decreasing the contract amount previously awarded to Meco, Inc. for Bay Harbor Phase I Roadway Improvements project to \$301,705.81, refunding \$83,043.31 to Ordinance #14-18, account C-04-55-861-401.
2. That final payment to the contractor is hereby authorized to be made based upon the recommendation of the consulting engineer.
3. That the work performed the contractor for the project is hereby accepted by the Township of Brick.
4. That return of Performance and Payment Bond #HICNE-10-211-0228 in the amount of \$384,749.12 to the contractor is authorized.
5. That Maintenance Bond #HICNE-10-211-0228 in the amount of \$30,170.58 provided by the contractor is hereby accepted.
6. That the Township Clerk shall forward a certified copy of the resolution to the contractor, Colliers Engineering & Design, Business Administrator, Township Engineer, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-11	9-13-22
Agenda #	Date
Agenda #	Date

**RESOLUTION
CLOSE OUT CHANGE ORDER #1**

WHEREAS, the Township of Brick previously awarded a contract to Mecco, Inc., P.O. Box 536, Clarksburg, NJ 08510 on August 24, 2021 for the project known as "Quail Run – Jaywood Manor Drive Roadway Improvements" for a total contract price in the amount of \$329,867.19; and

WHEREAS, Mecco, Inc. has completed the project; and

WHEREAS, the consulting engineer, Colliers Engineering & Design, has inspected the work and deemed the work to be complete; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.3 the consulting engineer has recommended the approval of Close-Out Change Order #1 decreasing the contract by (\$70,503.40) from \$329,867.19 to \$259,363.79 as a result of final as-built quantities; and

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

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

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

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

1. That the above-mentioned Change Order #1 is hereby approved decreasing the contract amount previously awarded to Mecco, Inc. for Quail Run – Jaywood Manor Drive Roadway Improvements project to \$259,363.79, refunding \$70,503.40 to Ordinance #7-20, account C-04-55-869-401.
2. That final payment to the contractor is hereby authorized to be made based upon the recommendation of the consulting engineer.
3. That the work performed the contractor for the project is hereby accepted by the Township of Brick.
4. That return of Performance and Payment Bond #HICNE-10-211-0237 in the amount of \$329,867.19 to the contractor is authorized.
5. That Maintenance Bond #HICNE-10-211-0237 in the amount of \$25,936.00 provided by the contractor is hereby accepted.
6. That the Township Clerk shall forward a certified copy of the resolution to the contractor, Colliers Engineering & Design, Business Administrator, Township Engineer, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-12	9-13-22
Agenda #	Date
Agenda #	Date

**RESOLUTION
CLOSE OUT CHANGE ORDER #2**

WHEREAS, the Township of Brick previously awarded a contract to Mecco, Inc., P.O. Box 536, Clarksburg, NJ 08510 on August 10, 2021 for the project known as "Roadway Improvements to Vanard Drive, Mathis Drive & Waterway Court" for a total contract price in the amount of \$287,882.50; and

WHEREAS, Mecco, Inc. has completed the project; and

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

WHEREAS, pursuant to N.J.A.C. 5:30-11.3 the consulting engineer has recommended the approval of Close-Out Change Order #2 increasing the contract by \$57,571.83 from \$287,882.50 to \$345,454.33 as a result of final as-built quantities; and

WHEREAS, the Chief Financial Officer has certified to the Township Clerk that funds are available; and

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

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

WHEREAS, it is now the desire of this Township Council to act upon the consulting engineer's recommendation and to approve said Close-Out Change Order #2.

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

1. That the above-mentioned Change Order #2 is hereby approved increasing the contract amount previously awarded to Mecco, Inc. for Roadway Improvements to Vanard Drive, Mathis Drive & Waterway Court project to \$345,454.33.
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 – \$3,419.64
 Ordinance #10-22 – account C-04-55-882-401 – \$54,152.19
3. That final payment to the contractor is hereby authorized to be made based upon the recommendation of the consulting engineer.
4. That the work performed the contractor for this project is hereby accepted by the Township of Brick.
5. That return of Performance and Payment Bond #HICNE-10-211-0233 in the amount of \$287,882.50 to the contractor is authorized.
6. That Maintenance Bond #HICNE-10-211-0233 in the amount of \$51,818.15 provided by the contractor is hereby accepted.
7. That the Township Clerk shall forward a certified copy of the resolution to the contractor, CME Associates, Business Administrator, Township Engineer, Chief Financial Officer and the Purchasing Agent.

Agenda #	Date
4-13	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, various entities have deposited monies into the Township's Police Road Job Trust Account; and

WHEREAS, officers were assigned to the workplace and paid for their services; and,

WHEREAS, monies still remain on deposit in the Township's Trust account; and,

WHEREAS, it has been determined by the Township that Extra Duty Solutions Company will handle the Police Road Job moving forward with the exception of a few accounts that the Township will still handle, and that no additional services will be required by the Township for the accounts listed.

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

1. The Chief Financial Officer is authorized to disburse checks in accordance with the attached Schedule A from the Police Road Job Account to the appropriate client.
2. A copy of this resolution be given to the Chief Financial Officer and the Chief of Police.

CERTIFICATION

I, Lynnette 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 on September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September 2022.

LYNNETTE IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-14	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

Authorization to Cancel Grant Appropriated Reserves and Receivables

WHEREAS, a certain balance sheet item remains outstanding, and unspent; and

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

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

The Grants Receivable balance as reflected below is hereby canceled:

2022 Click it or Ticket	(to Appropriated Reserves)	\$350.00
2021 Pumpout Boat	(to Appropriated Reserves)	3,954.16
		<u>\$4,304.16</u>

The Appropriated Reserve balance as reflected below is hereby canceled:

2022 Click it or Ticket	(to Grants Receivable)	\$350.00
2021 Pumpout Boat	(to Grants Receivable)	3,954.16
	(to Fund Balance)	2,106.47
		<u>\$6,410.63</u>

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

CERTIFICATION

I, Lynnette Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the forgoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick on September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-15	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license number 1506-33-038-002 heretofore issued to Anstul-BWW III LLC, is transferred to Munson of Brick Wings LLC t/a Buffalo Wild Wings Bar & Grill, 5 Kennedy Mall, Brick, NJ 08723; and

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

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

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

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

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

1. The application for the person-to-person transfer of plenary retail consumption license number 1506-33-038-002 heretofore issued to Anstul-BWW III, LLC is transferred to Munson of Brick Wings LLC t/a Buffalo Wild Wings Bar & Grill, 5 Kennedy Mall, Brick, NJ 08723 effective September 26, 2022 and is hereby approved in accordance with the application submitted subject to the following restrictions:
 - a. Operate a family style restaurant having a varied menu and which premises shall contain at least one hundred (100) seats for the consumption of this food.
 - b. That the licensee shall agree to the conditions placed upon this license for a minimum of one (1) year from date of issuance and subject to annual review.
2. That a copy of this resolution shall be forwarded to the Division of Alcoholic Beverage Control and the applicant.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

Agenda #	Date
4-16	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE CERTIFICATION OF THE DIRECTOR OF PUBLIC WORKS CONCERNING ADDITIONAL COSTS INCURRED IN THE REMOVAL OF DEBRIS AND CLEANING UP OF THE PROPERTY LOCATED AT MULTIPLE BLOCKS/LOTS AND AUTHORIZING THE PLACEMENT OF A LIEN AGAINST SAID PROPERTIES FOR SAID COSTS.

WHEREAS, in accordance with the provisions of N.J.S.A. 40:65-12 and Chapter 331, specifically Section 331-5 through 331-9, of the Township Code of the Township of Brick, the Township of Brick removed debris and cleaned up the properties located at:

730 Barberry Dr. – Block 673.15/Lot 3- \$312.80
130 Jib Circle – Block 324.37/Lot 2 - \$208.53

after duly-giving notice to the property owner of said property pursuant to Chapter 56; and

WHEREAS, the Director of Public Works has certified the costs incurred by the Township in removing the debris and cleaning up the aforementioned properties; and

WHEREAS, the total additional costs incurred by the Township for the removal of the debris and cleaning up the properties as certified by the Director of Public Works, are:

730 Barberry Dr. – Block 673.15/Lot 3- \$312.80
130 Jib Circle – Block 324.37/Lot 2 - \$208.53

WHEREAS, Chapter 331 of the Township Code, in accordance with N.J.S.A. 40:65-12, et seq. authorizes the governing body to have a lien placed against the subject property for the costs incurred by the Township in the removal of the debris from the subject premises and cleaning up the property, together with interest at the same rate as other taxes as set forth in N.J.S.A. 40:48-2.14.

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 Mayor and Township Council do hereby formally accept and approve the certification submitted by the Director of Public Works for the removal of debris and cleaning up the properties located at:

730 Barberry Dr. – Block 673.15/Lot 3- \$312.80
130 Jib Circle – Block 324.37/Lot 2 - \$208.53

- 2. That the Mayor and Township Council do hereby direct the Tax Collector to place an assessment against the subject property in accordance with this resolution.
- 3. That a copy of the certified costs incurred by the Township in removing the debris and cleaning up the property, together with a copy of the resolution, shall be forwarded to the owner of the property by certified mail.
- 4. That a certified copy of this resolution be forwarded to the Tax Collector and to the Code Enforcement Officer.

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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13 day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-170	9-13-22
Agenda #	Date
Agenda #	Date

RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE CERTIFICATION OF THE DIRECTOR OF PUBLIC WORKS CONCERNING ADDITIONAL COSTS INCURRED IN THE REMOVAL OF DEBRIS AND CLEANING UP OF THE PROPERTY LOCATED AT MULTIPLE BLOCKS/LOTS AND AUTHORIZING THE PLACEMENT OF A LIEN AGAINST SAID PROPERTIES FOR SAID COSTS.

WHEREAS, in accordance with the provisions of N.J.S.A. 40:65-12 and Chapter 331, specifically Section 331-5 through 331-9, of the Township Code of the Township of Brick, the Township of Brick removed debris and cleaned up the properties located at:

819 Constitution Dr. – Block 1427.01/Lot 21- \$126.29

after duly-giving notice to the property owner of said property pursuant to Chapter 56; and

WHEREAS, the Director of Public Works has certified the costs incurred by the Township in removing the debris and cleaning up the aforementioned properties; and

WHEREAS, the total additional costs incurred by the Township for the removal of the debris and cleaning up the properties as certified by the Director of Public Works, are:

819 Constitution Dr. – Block 1427.01/Lot 21- \$126.29

WHEREAS, Chapter 331 of the Township Code, in accordance with N.J.S.A. 40:65-12, et seq. authorizes the governing body to have a lien placed against the subject property for the costs incurred by the Township in the removal of the debris from the subject premises and cleaning up the property, together with interest at the same rate as other taxes as set forth in N.J.S.A. 40:48-2.14.

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 Mayor and Township Council do hereby formally accept and approve the certification submitted by the Director of Public Works for the removal of debris and cleaning up the properties located at:

819 Constitution Dr. – Block 1427.01/Lot 21- \$126.29

2. That the Mayor and Township Council do hereby direct the Tax Collector to place an assessment against the subject property in accordance with this resolution.
3. That a copy of the certified costs incurred by the Township in removing the debris and cleaning up the property, together with a copy of the resolution, shall be forwarded to the owner of the property by certified mail.
4. That a certified copy of this resolution be forwarded to the Tax Collector and to the Code Enforcement Officer.

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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13 day of September, 2022.

Agenda #	Date
4-17b	9-13-22
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE CERTIFICATION OF THE DIRECTOR OF PUBLIC WORKS CONCERNING ADDITIONAL COSTS INCURRED IN THE REMOVAL OF DEBRIS AND CLEANING UP OF THE PROPERTY LOCATED AT MULTIPLE BLOCKS/LOTS AND AUTHORIZING THE PLACEMENT OF A LIEN AGAINST SAID PROPERTIES FOR SAID COSTS.

WHEREAS, in accordance with the provisions of N.J.S.A. 40:65-12 and Chapter 331, specifically Section 331-5 through 331-9, of the Township Code of the Township of Brick, the Township of Brick removed debris and cleaned up the properties located at:

819 Constitution Dr. – Block 1427.01/Lot 21- \$85.06

after duly-giving notice to the property owner of said property pursuant to Chapter 56; and

WHEREAS, the Director of Public Works has certified the costs incurred by the Township in removing the debris and cleaning up the aforementioned properties; and

WHEREAS, the total additional costs incurred by the Township for the removal of the debris and cleaning up the properties as certified by the Director of Public Works, are:

819 Constitution Dr. – Block 1427.01/Lot 21- \$85.06

WHEREAS, Chapter 331 of the Township Code, in accordance with N.J.S.A. 40:65-12, et seq. authorizes the governing body to have a lien placed against the subject property for the costs incurred by the Township in the removal of the debris from the subject premises and cleaning up the property, together with interest at the same rate as other taxes as set forth in N.J.S.A. 40:48-2.14.

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 Mayor and Township Council do hereby formally accept and approve the certification submitted by the Director of Public Works for the removal of debris and cleaning up the properties located at:

819 Constitution Dr. – Block 1427.01/Lot 21- \$85.06

2. That the Mayor and Township Council do hereby direct the Tax Collector to place an assessment against the subject property in accordance with this resolution.
3. That a copy of the certified costs incurred by the Township in removing the debris and cleaning up the property, together with a copy of the resolution, shall be forwarded to the owner of the property by certified mail.
4. That a certified copy of this resolution be forwarded to the Tax Collector and to the Code Enforcement Officer.

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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13 day of September, 2022.

Agenda #	Date
4-17c	9-13-22
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Township Engineer has notified the Municipal Clerk by letter dated August 29, 2022 that there is \$391.42 remaining in the engineering inspection fund from Alan J. Cornblatt, 44 Princeton Avenue, Brick, NJ (Block 867 Lot 9 REV-22-00139) and

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

WHEREAS, the Township Engineer recommends that the \$391.42 remaining in the engineering inspection fund be returned to the applicant; and

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

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

1. That the \$391.42 remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
 - a. Chief Finance Officer
 - b. Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-18a	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Robert Brooks, 26 Dickman Drive, Lavallette, NJ 08735 had posted a cash bond in the amount of \$3,399.98 to guarantee site improvements to Block 1422.31 Lot 5.05 (719 Herbertsville Road, PB-2484) in the Township of Brick; and

WHEREAS, the Township Engineer, by letter dated August 29, 2022 has advised that the improvements have been completed and are acceptable; and

WHEREAS, the Township Engineer recommends that the cash performance bond in the amount of \$3,399.98 (plus interest if applicable) be returned to the applicant; and

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

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

1. That the cash performance bond in the amount of \$3,399.98 (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. 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-18b	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated September 6, 2022 that there is \$655.81 remaining in the engineering inspection fund from LeNoci Realty, 165 Highway 35, Red Bank, NJ 07701 for 278 Brick Boulevard (Block 382.20 Lot 35); 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 \$655.81 (plus interest if applicable) 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 \$655.81 (plus interest if applicable) 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-18c	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 194.06, Lot 4 Account # 104390 as of 4-1-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 4-1-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
194.06/4/104390	Barbosa, Michael & Feliz,	\$3,406.02-2022
413 Mamie Drive	Liyannys	

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19a	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 124, Lot 11.02 Account # 102201 as of 6-15-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 6-15-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
124/11.02/102201 450 Sylvan Drive	Carney, Matthew	\$2,150.96-2022

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19b	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 1404.03, Lot 41 Account # 726558 as of 3-1-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 3-1-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1404.03/41/726558 575 New Jersey Avenue	Clawson, Raymond & Juliana	\$1,946.47-2022

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19c	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 1422.07, Lot 15 Account # 729401 as of 1-6-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 1-6-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1422.07/15/729401 742 Tall Oaks Drive	Desandis, Joseph & Joanne	\$3,457.91-2022

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19d	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 1210.10, Lot 10 Account # 622674 as of 3-27-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 3-27-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1210.10/10/622674 62 Mansfield Drive	Dumont, Robert & Marion	\$1,536.57-2022

CERTIFICATION

I, Lynnette A. Iannarone, RMC, Municipal Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19c	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 380.13, Lot 13 Account # 208586 as of 5-1-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 5-1-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
380.13/23/208586 72 Meadowbrook Road	Johnson, Terri	\$466.10-2022

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
419f	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 701.08, Lot 16 Account #413351 as of 2-3-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 2-3-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
701.08/16/413351 222 Elmwood Ct.	Nolan, Matthew	\$3,127.78-2022

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4199	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 211.04, Lot 32 Account # 103959 as of 2-15-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 2-15-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
211.04/32/103959 63 Toronto Drive	Syvertsen, Kurt & Joyce Ann	\$6,217.07-2022

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19b	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 870.01, Lot 4 Account # 415732 as of 3-14-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 3-14-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
870.01/4/415732 14 Robertson Court	Szymanski, Christopher & Adrienne	\$3,601.89-2022

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-191	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 383.32, Lot 16 Account # 309910 as of 6-24-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 6-24-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
383.32/16/309910 292 Dogwood Drive	Ward, Gary Jr.	\$1,839.41-2022

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19j	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 1192.27, Lot 80 Account # 621941 as of 1-28-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 1-28-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1192.27/80/621941 31 Pheasant Drive	Wray, Eugene & Margaret	\$479.10-2022

CERTIFICATION

I, Lynnette A. Iannarone, Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19K	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 903.02, Lot 11 Account # 516855 as of 2-10-2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 2-10-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
903.02/11/516855 122 Jordan Road	Auerbach, Andre & Purnawate	\$2,508.67-2022

CERTIFICATION

I, Lynnette A. Iannarone, RMC, Municipal Clerk for 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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19-1	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2021.

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

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
252.18/69/204787 40 Long Point Dr.	Nuse, Daniel & Diane	\$100.00

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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-19 m	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

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

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

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1427/6/C4904/727917 48 Kathy Court	Wells Fargo Real Estate Tax Services	\$1,106.63
869.02/3/415494 91 Keiser Blvd.	Campo, Juan Carlos & Melissa Ann	\$891.88
622/21/312558 738 Downey Ave.	Huggins, Joshua & Cynthia	\$1,563.57

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 September 13, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-197	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

Resolution

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there was an error in the calculation of billing on business personal property for the year 2022. In accordance with N.J.S.A.54:4-2.47 business personal property should only be taxed at the general tax rate.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel the Special District taxes billed in error as shown below:

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1500 / 1 / 729268	Verizon – New Jersey % Duff & Phelp	\$2551.09
1500 / 2 / 729269	Verizon – New Jersey	\$1920.27
1500 / 3 / 729270	Verizon – New Jersey % Duff & Phelp	\$1415.35

CERTIFICATION

I, Lynnette A. Iannarone, RMC, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on this 13th day of September, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 13th day of September, 2022.

Lynnette A. Iannarone, RMC
Municipal Clerk

Agenda #	Date
4-190	9-13-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

ORDINANCE

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AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, TO REPEAL CHAPTER 329, ENTITLED "PROPERTY FORECLOSURES," IN ITS ENTIRETY, AND TO REPLACE IT WITH CHAPTER 329, TO BE ENTITLED "REGISTRATION OF DEFAULTED MORTGAGE AND VACANT PROPERTY"

WHEREAS, the Township Council desires to protect the public health, safety, and welfare of the citizens of the Township of Brick and to maintain a high quality of life for its citizens through the maintenance of structures and properties in the Township; and

WHEREAS, the Township Council recognizes properties with defaulted mortgages and subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the Township can lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Township Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Township Council recognizes that it is in the best interest of the public health, safety, and welfare to adopt a more regulated method to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township Council is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

WHEREAS, pursuant to P.L. 2021, c. 444, the Township Council is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the Township for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security and upkeep of such properties, and impose a registration fee on the Mortgagee of such properties; and

WHEREAS, the Township Council desires to protect neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of the Township's residents to amend, in light of recent State legislation P.L. 2021, c. 444, impose the registration requirements of Registrable Property located within the Township to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

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

SECTION 1. Chapter 329 of the Township Code of the Township of Brick entitled "~~Property Foreclosures~~" is hereby ~~deleted in its entirety, and shall be replaced~~ amended with the new provisions set forth in this Ordinance.

SECTION 2. A new Chapter 329 is hereby ~~adopted amended~~ and shall be entitled "Registration of Foreclosure Mortgages Defaulted Mortgage and Vacant Property," and shall read as follows:

Agenda #	Date
5-1	9-13-23
Agenda #	Date
Agenda #	Date
Agenda #	Date

**CHAPTER 329. REGISTRATION OF FORECLOSURE MORTGAGES DEFAULTED
MORTGAGE AND VACANT PROPERTY**

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§ 329-1. Purpose and Intent.

It is the purpose and intent of the Township Council to ~~establish a~~ amend in light of recent State legislation P.L. 2021, c. 444 the process to address the deterioration, crime, and decline in value of Township neighborhoods caused by property with foreclosing or foreclosed ~~defaulted~~ mortgages located within the Township, and to identify, regulate, limit and reduce the number of these properties located within the Township. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Township Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of Properties that are in in Foreclosure or Foreclosed ~~Default or Defaulted~~, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

§ 329-2. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Township to enforce the applicable code(s).

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

Foreclosure or Foreclosure Action shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. This definition shall include, but is not limited to, a complaint and summons filed with respect to foreclosure on a mortgage, a lis pendens filed against it by the lender holding a mortgage on the property, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

Owner shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

Property Manager shall mean any in-state party designated by the Owner or Mortgagee as responsible for inspecting, maintaining and securing the property as required in this Chapter. The in-state property manager shall be capable of receiving notices issued for violations of Township codes or summons to appear in court, unless a different in-state individual has been identified for that purpose.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Township limits.

Registrable Property shall mean:

- (a) Any Real Property located in the Township, whether vacant or occupied, that is encumbered by a mortgage ~~in Default~~, is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgment has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction and/or the Foreclosure Action has been dismissed ~~and any Default on the mortgage has been cured~~; or
- (b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.
 - a. Exception: If an owner can demonstrate that the vacant property has historically been used as a part-time residence, as a seasonal home, or as a rental unit the property registration is not required based on vacancy. If the property remains vacant for 180 days registration is required.

Registry shall mean a web-based electronic database of searchable Real Property records, used by the Township to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

Semi-Annual Registration shall mean six (6) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Township codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any parcel of land in the Township that contains any building or structure that is not lawfully occupied.

§ 329-3. Applicability and Jurisdiction.

This Chapter applies to ~~Defaulted-Foreclosure~~ and Vacant property within the Township.

§ 329-4. Establishment of a Registry.

Pursuant to the provisions of Section 329-2, the Township, or its designee, shall establish a registry cataloging each Registrable Property within the Township, containing the information required by this Chapter.

§ 329-5. Inspection and Registration of Real Property under Foreclosure ~~Defaulted-Mortgage~~.

(a) Any Mortgagee who holds a mortgage on Real Property located within the Township shall perform an inspection of the property upon default by the Mortgagor as evidenced by the filing of a Foreclosure Action, it being in Default or Defaulted by the mortgagor or prior to the issuance of a notice of Default.

(b) Property inspected pursuant to subsection (a) above that remains in Foreclosure Default or Defaulted, shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.

(c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action declares its mortgage to be in Default or Defaulted, the Mortgagee shall register the Real Property with the Township Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain and secure the Real Property subject to the mortgage under a Foreclosure Action in Default or Defaulted. A separate registration is required for each property under a Foreclosure Action, regardless of whether is occupied or vacant. Defaulted Property.

(d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the In-state Property Manager and said person's address, e-mail address, and telephone number. The said person's address shall not be limited to a post office box, but shall specify a physical location where such Instate Property Manager may be found during normal business hours.

(e) If the Mortgagee is located outside of New Jersey, it must provide the full name, mailing address, and direct-dial telephone number of an In-State representative or agent for the Mortgagee.

(f) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Defaulted Property under foreclosure. Subsequent Semi-Annual Registrations of properties under foreclosure Defaulted properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

Commented [JH1]: The new law allows the Township to add an additional annual registration fee of up to \$2,000 for any registrable foreclosure property that is Vacant. This is at the discretion of the Township and would need to be specifically stated in the ordinance.

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(g) Each individual property on the Registry that has been registered prior to the Effective Date shall have thirty (30) days to register and pay the five hundred dollars (\$500.00) Semi-Annual Registration fee. Each individual property on the Registry that has been registered for six (6) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the non-refundable annual registration fee. Properties registered less than six (6) months prior to the Effective Date shall renew the registration every twelve (12) months from the expiration of the original registration renewal date and shall pay the non-refundable annual registration fee.

(h) If the Defaulted mortgage and/or servicing on a Registrable property pursuant to this Section is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Defaulted Property.

- (i) ~~(h)~~ If the Mortgagee sells or transfers the Registrable Defaulted-Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosure Defaulted-Property.
- (j) ~~(i)~~ If the Foreclosure Defaulted-Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day-period (30), or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent transferees, Owners and Mortgagees of the Foreclosure Defaulted-Property.
- (k) ~~(j)~~ This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (l) ~~(k)~~ Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property Defaulted.
- (m) ~~(l)~~ Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.
- (n) ~~(m)~~ If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (o) ~~(n)~~ Properties registered as a result of this section are not required to be registered again pursuant to the Real Property that is not subject to a mortgage in Default Foreclosure section.
- (p) Registration of foreclosure property does not alleviate the Mortgagee and/or property Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes. Acquisition of required licenses, permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. Mortgagee and/or property Owner is expected to update the status of the property in the event of a Mortgagee managed rental.

§ 329-6. Inspection and Registration of Real Property That is Not Subject to a Mortgage in Default Foreclosure.

- (a) Any Owner of Vacant property located within the Township shall, within ten (10) days after the property becomes Vacant, or within ten (10) days after assuming ownership of the property, whichever is later, register the Real Property with the Township Registry.
- (b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the

In-state Property Manager and said person's address, e-mail address, and telephone number. The said person's address shall not be limited to a post office box, but shall specify a physical location where such in-state Property Manager may be found during normal business hours.

- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. Subsequent Semi-Annual Registrations of Vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the five hundred dollars (\$500.00) Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the original registration date and shall pay the five hundred dollars (\$500.00).
- (e) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (f) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.
- (g) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (h) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.
- (i) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (j) Properties registered as a result of this section are not required to be registered again pursuant to the Defaulted mortgage property section.

§329-7. Maintenance Requirements.

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.

- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings. All Trimmings and cuttings must be removed immediately. Any vegetation waste onsite after three days will be considered the accumulation of rubbish which is subject to penalties.
- (f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Township. Pursuant to a finding and determination by the Township Sheriff, Magistrate or a court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Township.
- (i) Dispose of tin cans, plastic containers, ceramic pots or similar water-holding containers that have accumulated on your property to reduce mosquito breeding.

§ 329-8. Security Requirements.

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Township.
- (e) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to

enforcement by any of the enforcement means available to the Township. The Township may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

§ 329-9. Supplemental Provisions.

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Township from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

§ 329-10. Public Nuisance.

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Township.

§ 329-11. Additional Authority.

- (a) If the Code Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Township Council or municipal court as soon as possible to address the conditions of the property. Nothing herein shall limit the Township from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Police Chief, Code Enforcement Officer, Township Council or municipal court shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Police Chief, Code Enforcement, Township Council or municipal court may direct the Township to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the Police Chief, Code Enforcement officer, Township Council or municipal court, within thirty (30) days of the Township sending the Mortgagee or Owner the invoice then the Township may lien the property with such cost, along with an administrative fee as determined in the Township's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Township may pursue financial penalties against the Mortgagee or Owner.
- (e) The Township may contract with an entity to implement this Chapter, and, if so, any reference to the Code Enforcement Officer herein shall include the entity the Township contracts with for that purpose.

§ 329-12. Opposing, Obstructing Enforcement Officer; Penalty.

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

§ 329-13. Immunity of Enforcement Officer.

Any Enforcement Officer or any person authorized by the Township to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

§ 329-14. Penalties.

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

(a) As authorized under P.L. 2021, Chapter 444, C.40:48-2.12s3 g.(1), if an out-of-State Mortgagee that is subject to Section 329-5, of this ordinance, is found by the municipal court of the municipality in which the property subject to this ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a Mortgagee for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph.

(b) As authorized in P.L. 2021, Chapter 444, C.40:48-2.12s3 g.(2), if an out-of-State Mortgagee that is subject to Section 329-5, of this ordinance, is found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation, excluding only a violation addressed by paragraph (a) of this Section, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

§ 329-15. Amendments

Registration fees and penalties outlined in this Chapter may be modified by an amendment to this Chapter, passed and adopted by the Council of the Township of Brick.

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

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Brick held on the 13th day of September, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 27th day of September 2022 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

ORDINANCE

ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING CHAPTER 257 ENTITLED LIGHT TRESPASS IN RESIDENTIAL AREAS

WHEREAS, the New Jersey Light Pollution Study Commission submitted a report to the Governor and Legislature in April, 1996 and specifically noted that light trespass including lights that illuminate a neighboring property may be viewed as an invasion of privacy; deteriorate the natural nighttime environment; impact driving, reduce the ability to observe the starry night sky; and that obtrusive lighting conditions may be avoided by the adoption of local ordinances; and

WHEREAS, the Township Council of the Township of Brick deems it to be in the public interest to prohibit light trespass to provide for the peaceful and quiet enjoyment for the residents and citizens of the Township of Brick

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

SECTION 1. The Township Code of the Township of Brick is hereby amended to adopt Chapter 257 captioned Light Trespass in Residential Areas and the adopted provision shall and read as follows:

257 - Light Trespass in Residential Areas.

§257-1 Prohibited Acts:

- A. On residential properties, installing or maintaining spotlights or other types of artificial lighting that provide a continuous concentrated beam of light extending beyond any property lines. This prohibition shall not apply to spotlights or other types of artificial lighting controlled by a motion detector that automatically turns off within ten minutes of activation caused by motion.
- B. On residential properties, installing or maintaining spotlights or other types of artificial lighting beyond the vertical plane of the face of any building or structure that causes a continuous beam of light to be reflected upon any adjoining property or any public street. This prohibition shall not apply to spotlights or other types of artificial lighting controlled by a motion detector that automatically turns off within ten minutes of activation caused by motion.

§257-2. Applicability:

This Chapter is intended to apply and to bind the owners, tenants, occupants, guests and all other persons within the Township of Brick.

§257-3. Enforcement; Complaints:

- A. It shall be the duty of the Police Department and Zoning Officials and Code Enforcement Officials of the Township of Brick to determine whether this Chapter has been and is being complied with and to enforce the provisions of this Chapter against any person violating the same.
- B. Any Police Officer, Zoning Official or Code Enforcement Official of the Township of Brick, may file a complaint in Municipal Court of the

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Township of Brick for any violations of this Chapter.

§257-3. Violations and Penalties: Any person, firm, corporation or association violating the terms of this article, whether as principal, agent or employee of another, shall be subject to the penalties as provided in Chapter 1, § 1-15, General penalty. If the violation is of a continuing nature, each day during which it continues constitutes a separate and distinct offense.

SECTION 2. All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION 3. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Brick held on the 23rd day of August, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 13th day of September 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

**ORDINANCE OF THE TOWNSHIP OF BRICK, IN THE COUNTY
OF OCEAN, NEW JERSEY APPROVING APPLICATION FOR A
LONG TERM TAX EXEMPTION AND AUTHORIZING THE
EXECUTION OF A FINANCIAL AGREEMENT WITH LCP
SPORTS II URBAN RENEWAL, LLC**

WHEREAS, the Township of Brick, in the County of Ocean, New Jersey (the "**Township**"), a public body corporate and politic of the State of New Jersey is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, improvements to property located within an area in need of rehabilitation or redevelopment may qualify for long term tax exemptions under the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the "**Exemption Law**"); and

WHEREAS, pursuant to the Redevelopment Law, by resolution duly adopted on July 24, 2007, the governing body of the Township (the "**Council**"), designated certain properties in the Township known as Metedeconk Village as an area in need of redevelopment in accordance with the Redevelopment Law, which properties included certain lots now known as Block 702, Lots 30.01 and 30.02 on the tax map of the Township (the "**Redevelopment Area**"); and

WHEREAS, on June 10, 2008, the Council adopted Ordinance 27-08 that adopted the Metedeconk Village Redevelopment Plan, which sets forth the plan for the redevelopment of the Redevelopment Area, as amended on May 3, 2011, February 3, 2015, and April 24, 2018 (the "**Redevelopment Plan**"); and

WHEREAS, pursuant to *N.J.S.A. 40A:12-4*, the Township has determined to act as the "redevelopment entity" (as such term is defined at *N.J.S.A. 40A:12A-3* of the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, on May 1, 2018, the Township and HFZ Brick LLC ("**HFZ**") entered into a Redevelopment Agreement (the "**Redevelopment Agreement**") for the redevelopment of a portion of the Redevelopment Area identified as Block 702, Lot 30.02 and described in **Exhibit A** attached hereto (the "**Property**"), pursuant to which HFZ was formally designated as Redeveloper of the Property and agrees to, among other things, construct a recreational facility project with associated parking and site improvements on the Property; and

WHEREAS, on July 9, 2021, HFZ and the Entity executed that certain Assignment and Assumption of Project Agreements, pursuant to which the Entity assumed all of HFZ's rights in and obligations under the Redevelopment Agreement and became the "Redeveloper" of the Property within the meaning of the Redevelopment Law;

WHEREAS, the Entity intends to develop a recreational sports facility, along with associated site improvements and supporting parking, including (i) 1 story, approximately 27,600 s.f. building to be used as a basketball center; and (ii) an approximately 68,400 s.f. Sports Dome (the "**Project**"), as shown on the Site Plan included with the Application, as herein defined; and

WHEREAS, the Project will conform to the Redevelopment Plan and the Redevelopment Agreement and all applicable municipal zoning ordinances to the extent it contains provisions that are relevant to the Project and will be in conformance with the master plan of the Township; and

WHEREAS, the Entity is an urban renewal entity created in accordance with the Exemption Law which owns the Property and acts as the Redeveloper in accordance with the Redevelopment Agreement; and

WHEREAS, the Entity was created for the purposes of acquiring, owning, holding, developing, maintaining, financing, mortgaging, improving, operating, leasing, managing,

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using, refinancing, selling, subdividing, or otherwise dealing with the Property; and

WHEREAS, pursuant to and in accordance with the provisions of the Exemption Law, the Township is authorized to provide for tax exemptions within a redevelopment area and for payments in lieu of taxes; and

WHEREAS, on or about August 16, 2022, in order to enhance the economic viability of and opportunity for a successful project the Entity filed an application (the "**Application**") with the Township, which is on file with the Township Clerk, for approval of a long term tax exemption for the Project in accordance with the Exemption Law; and

WHEREAS, the Application requested a thirty (30) year term for the Financial Agreement and an annual service charge based on variable percentage of gross revenue for the duration of the term; subject to the terms of the Exemption Law; and

WHEREAS, the Mayor submitted the Application and the financial agreement attached hereto as **Exhibit B** (the "**Financial Agreement**") to the Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, upon review of the Application and the Mayor's recommendation, the Council has made the following findings with respect to the Project pursuant to N.J.S.A. 40A:20-11:

A. Relative benefits of the Project when compared to the costs:

1. The Property currently generates approximately \$38,650 in real estate tax revenue to the Township. The projected Annual Service Charge will generate average revenue to the Township of approximately \$280,000 annually over the 30 year term prior to the 5% share to Ocean County.
2. It is estimated that the Project will create certain temporary jobs during construction and new permanent jobs associated with the ongoing upkeep, operation and management of the building;
3. The Project should stabilize and contribute to the economic growth of existing local businesses and to the creation of new businesses;
4. The Project will further the redevelopment objectives of the Redevelopment Plan for the Property; and
5. The Township has determined that the benefits of the Project significantly outweigh the costs to the Township.

B. Assessment of the importance of the Tax Exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:

1. The relative stability and predictability of the Annual Service Charge will make the Project more attractive to investors and lenders needed to finance the Project; and
2. The relative stability and predictability of the Annual Service Charge will allow stabilization of the Project operating budget which will ensure the likelihood of the success of the Project and ensure that it will have a positive impact on the surrounding area.

WHEREAS, in accordance with the provisions of the Exemption Law, the Council desires to approve the Application and the Financial Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BRICK, NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Application submitted by the Entity is hereby approved in accordance with Section 8 of the Exemption Law.

Section 3. The Mayor is hereby authorized and directed to execute the Financial Agreement substantially in the form attached as **Exhibit B** together with such additions, deletions and other modifications deemed necessary upon consultation with counsel to the Township, and prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate.

Section 4. The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

Section 5. The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township in accordance with Section 12 of the Exemption Law.

Section 6. In accordance with Section 12 of the Exemption Law, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Ocean County and to the Ocean County Counsel for informational purposes.

Section 7. The Mayor and Township Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Township, in consultation with Township counsel, as is necessary to effectuate the terms of the Financial Agreement.

Section 8. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 9. This ordinance shall take effect in accordance with all applicable laws.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Brick held on the 23rd day of August 2022, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 13th day of September 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

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING CHAPTER 460 OF THE TOWNSHIP CODE
ENTITLED "VEHICLES, OPERATION OF," TO

WHEREAS, the Township has received comments from the U.S. Fish & Wildlife Service on the required "Township of Brick Beach Management Plan for the Protection of Federally & State-Listed Species"; and

WHEREAS, Fish & Wildlife recommends that the Township amend Chapter 460 of the Township Code, entitled "Vehicles, Operation Of," in order to restrict beach buggy driving from October 1 through April 30, and also to assure that no beach buggy driving will occur in plant-protected areas until November 30; and

WHEREAS, Fish & Wildlife requires that Chapter 460 be amended to indicate specifically the procedures for the Township to ensure that beach buggy vehicles are kept out of plant-protection areas either through notification as part of the permit process or through enforcement; and

WHEREAS, the Township desires to undertake both efforts, to make notification through the permit process and through signage and enforcement.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Brick that Chapter 460 of the Township Code is hereby amended as indicated below (deletions indicated by ~~strikethrough~~ and additions indicated by underline):

SECTION 1. Chapter 460 of the Township Code is hereby amended as set forth below:

Chapter 460 Vehicles, Operation of

§ 460-1 Definitions.

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

MOTOR VEHICLE

Includes any vehicle included within the definition of "motor vehicle," "motor-drawn vehicle," "motorcycle" and "motorized bicycle" as provided for in N.J.S.A. 39:1-1.

§ 460-2 Operation restricted to improved and designated roadways.

Except as otherwise provided in this article, no person, except a governmental employee or agent acting within the scope of his governmental employment or agency, shall operate any motor vehicle or all-terrain vehicle upon any park, beach, or open space recreation area or upon any pedestrian or bicycle path owned by the Township of Brick or the Brick Township Board of Education except upon improved public roadways or parking lots located upon such public property and designated for such use.

§ 460-3 Permit required; application; fee.

A. Section 460-2 of this article shall not apply to a person who has obtained and is in possession of a permit from the Township to operate a motor vehicle upon a municipally owned beach bordering the Atlantic Ocean during the period from October 1 through April 30 however no motor vehicle or all-terrain vehicle shall be permitted to operate on or near plant-protected areas before November 30, which restriction shall specifically be included in any permit. Such permit shall be obtained by filing an application with the Township Clerk, who shall require from the applicant the applicant's name, age, driver's license number, and the make, model, year, motor vehicle registration number, if any, and type and description of the vehicle to be operated by the applicant. The applicant shall furthermore be required to pay a fee in the amount of \$35 in connection with such application. Notwithstanding the foregoing, any individual exempt from fees pursuant to Chapter 110, § 110-19 shall be exempt from the fees established by this section.

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B. Prior to the issuing of the aforesaid permit by the Township Clerk, the Brick Township Police Department shall inspect the motor vehicle in order to ensure that said vehicle is properly equipped for beach use. The vehicle shall be equipped with a twenty-five-foot towing chain, shovel, spare tire and jack, fire extinguisher, flashlight and first aid kit. Should the Brick Township Police Department be satisfied that the vehicle is properly equipped and the applicant has demonstrated his ability to safely operate a motor vehicle upon any such beach area without endangering the health and safety of himself or others, the Township Clerk may issue a permit for the operation of a motor vehicle under this article.

C. The requirements of Subsection **B** shall not apply to the renewal by the Township of permits issued for operation of all-terrain vehicles (ATV's) prior to the adoption of this article. Such permits shall be renewed in accordance with Subsection **A**.

D. The Township Clerk shall limit the total number of permits issued pursuant to this article to 125.

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§ 460-4 Rules and regulations.

Any person who has been issued a permit under this article shall operate his motor vehicle subject to the following rules and regulations:

A. No motor vehicle shall be operated on the strand or beachfront at a speed in excess of 15 miles per hour.

B. No such motor vehicle shall be operated on the sand dunes, and all such motor vehicles shall obtain access to the beachfront from the public streets only at places specifically designated by the municipality.

C. All such vehicles shall be required to maintain a reasonable distance from congested bathing beaches or other areas where bathers, surf fishermen or others using the beach are present.

D. No rubbish, debris or litter of any sort shall be discarded from any motor vehicle while being operated on the beachfront.

E. No motor vehicle shall be operated on the beachfront after sunset without adequate lights.

F. Every motor vehicle being operated on the beach shall be operated in a safe, reasonable and careful manner at all times so as not to endanger the lives and safety of other persons using the beachfront.

G. No motor vehicle or all-terrain vehicle shall be permitted to operate on or near plant-protected areas before November 30. Said plant-protected areas shall be designated by signage installed by the Township.

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. This Ordinance shall take effect upon 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 23rd day of August, 2022, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 13th day of September, 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