



Brick Township Council
Caucus/Public Meeting
September 27, 2022
7:00 PM
Agenda No. 1

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on January 7, 2022. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).
3.
 - a. Roll Call.
 - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
 - c. Approve Reports of Municipal Officers.
 - d. Approve Minutes of September 13, 2022 Meeting.

Consent Agenda

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

4. Resolutions:

- ___ 1. Authorize Receipt of Bids – Pavement Markings, Various Locations.
- ___ 2. Authorize Receipt of Bids – Purchase & Delivery of Various Doors.
- ___ 3. Authorize Contract – Purchase & Delivery Front Load Dumpsters.
- ___ 4. Authorize Award of Contract – New World Public Safety Software Suite for Brick Police Department.
- ___ 5. Authorize Contracts with State Contract Vendors – Radio Console Equipment.
- ___ 6. Authorization to Terminate Contract & Award Contract to Next Lowest Bidder – Computer & Printer Supplies.
- ___ 7. Authorize Close-Out Change Order #1 – Roadway Resurfacing Pine Terrace Section.
- ___ 8. Authorize Approval of Annual Compensation for Board of Fire Commissioners, Districts Nos. 1, 2 and 3.
- ___ 9. Authorize State Aid Agreement with NJDEP for Beach Renourishment.
- ___ 10. Bond Releases/Reductions:
 - a. Inspection Fund Release – 2026 Route 88, LLC - Block 1029, Lots 20, 21 & 22.
 - b. Inspection Fund Release – Guzzi Masonry & Paving, LLC – Block 830, Lot 31.
 - c. Inspection Fund Release – HBI, Inc. – Block 1149, Lot 5, 5.01 & 6
 - d. Inspection Fund Release – The Farm @ 511 LLC/Merri-Makers Caterers – Block 1383, Lot 2.
 - e. Inspection Fund Release – 46 Princeton Avenue, LLC – Block 869, Lot 15.
- ___ 11. Tax Collector:
 - a. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 124.03, Lot 1.
 - b. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 1051, Lot 6.
 - c. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 1124, Lot 2.13.
 - d. 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 377.08, Lot 42.
 - e. Tax Exemption & Refund Taxes – Block 548, Lot 17.
- ___ 12. Authorize Execution of Addendum Agreement – Pro-Champs.

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

- ___ 13. Bill Resolution – Computer 2022.
- ___ 14. Bill Resolution – Manual 2022.

5. Ordinances on First Reading:

- ___ 1. Authorizing the Acceptance of Donation of Property – Block 210.31, Lots 4, 5, 6, & 7.
- ___ 2. Amend Chapter 288 – No Parking Davos Road.

6. Ordinances on Second Reading:

- ___ 1. Amending Chapter 329 – “Registration of Defaulted Mortgage and Vacant Property”.

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, October 11, 2022 at 7:00 p.m.*****

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:

PAVEMENT MARKINGS, VARIOUS LOCATIONS

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 27, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-1	9-27-22
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RESOLUTION

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

PURCHASE AND DELIVERY OF VARIOUS DOORS

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, 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 27, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-2	9-27-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Division of Purchasing and Contracting received sealed bids for the Purchase and Delivery of Ten (10) Front Load Dumpsters on Friday, September 9, 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 the Purchase and Delivery of Ten (10) Front Load Dumpsters is hereby awarded to CS Products Inc., dba Conshohocken Steel, 301 Randolph Avenue, Ambler, PA 19002 at the price \$2,135.00 per container.
2. That sufficient funds are available in municipal budget under an appropriation entitled 2022 Recycling Tonnage Grant, account G-02-40-702-259.
3. That delivery shall be FOB Township of Brick Public Works within thirty (30) business days after receipt of order.
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, 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 27, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-3	9-27-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Township of Brick has a need to acquire additional module of the New World Public Safety Software Suite for the Brick Police Department through a required disclosure process pursuant to the provisions of N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26; and

WHEREAS, the Purchasing Agent of the Township of Brick has determined and certified in writing that the value of the services will exceed \$17,500.00; and

WHEREAS, the business entity has submitted a proposal indicating they will provide setup, install and licensing of the New World Public Safety Software Suite utilized by the Brick Police Department; and

WHEREAS, the business entity has completed and submitted a Business Entity Disclosure Certification which certifies that the entity has not made any reportable contributions to a political or candidate committee in the Township of Brick in the previous one (1) year, and that the contract will prohibit the entity from making any reportable contributions through the term of the contract; and

WHEREAS, pursuant to C.271, the business entity has completed and submitted a Political Contribution Disclosure Form; and

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

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

1. That the Township Council of the Township of Brick does hereby award contract to Tyler Technologies, Inc., 840 W. Long Lake Road, Troy, Michigan 49098 to provide additional module of the New World Public Safety Software Suite in accordance with the provisions of N.J.S.A. 40A:11-5(dd).
2. That the contract shall be in accordance with the proposal on file in the office of the Township Clerk in the amount of \$19,744.00.
3. That this contract is awarded as a required disclosure process contract in compliance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq.
4. That pursuant to N.J.S.A. 19:44A-20.26 the Business Disclosure Entity Certification, Political Contribution Disclosure Form, Statement of Ownership Disclosure and the Determination of Value are on file with this resolution.
5. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto. The following is the line item appropriation and ordinance which constitutes the availability of funds for this contract:
Ordinance #9-22 – account C-04-55-881-501 – \$19,744.00
6. 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.
7. That a notice of this action shall be printed once in the official newspaper of the Township of Brick.
8. That a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Director of Information Technology and the Purchasing Agent.

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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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS PURSUANT TO N.J.S.A. 40A:11-12A

WHEREAS, the Township of Brick pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services, the cost of which in the aggregate exceeds the bid threshold, under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of Brick has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Brick intends to enter into contracts with the attached Referenced State Contract Vendor through this resolution, which shall be subject to all the conditions applicable to the current State contracts.

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

1. That the Township of Brick authorizes the Purchasing Agent to purchase certain goods or services from the approved New Jersey State Contract Vendor on the attached list, pursuant to all conditions of the individual State contract.
2. That pursuant to N.J.A.C. 5:30-5.1 et seq., the certification of available funds has been issued by the Chief Financial Officer and is attached hereto. The following is the line item appropriation and ordinance which constitutes the availability of funds for this contract:
Ordinance #11-22 – account C-04-55-883-402 – \$152,050.00
3. That the Township Clerk shall further forward a certified copy of this resolution to vendor, Business Administrator, Deputy Chief of Police, Chief Financial Officer, and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on September 27, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-5	9-27-22
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REFERENCED STATE CONTRACT VENDOR

Commodity/Service: Radio Console Equipment
Vendor: PMC Associates
8 Crown Plaza, Unit 106
Hazlet, NJ 07730
State Contract: #83900, #83924
Total Amount: \$152,050.00
Quotes: #463477, #463478

RESOLUTION

WHEREAS, on September 13, 2022, the Township of Brick awarded a one-year contract for the Purchase and Delivery of Computer & Printer Supplies to various vendors; and

WHEREAS, The Tree House, Inc., P.O. Box 413, Norwood, MA 02062, the successful bidder for various items has notified the Township he is unable to fulfill his obligations and requests to rescind their bid; and

WHEREAS, it is the recommendation of the Director of Information Technology to accept The Tree House's request to rescind their; and

WHEREAS, the Director of Information Technology recommends award of various items to the next low bidder, as per the attached schedule of prices.

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 Township hereby accepts The Tree House's request to rescind their bid in its entirety.
2. That the items previously awarded to The Tree House, Inc. are hereby awarded the next lowest responsive and responsible bidder MRA International, 295 Morris Avenue, Suite 1, Long Branch, NJ 07740 as per the attached schedule of prices.
3. That all other terms and conditions of the original bid remain as awarded.
4. 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 27, 2022.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-6	9-27-22
Agenda #	Date
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**RESOLUTION
CLOSE OUT CHANGE ORDER #1**

WHEREAS, the Township of Brick previously awarded a contract to S. Brothers, Inc., P.O. Box 317, South River, NJ 08882 on January 11, 2022 for the project known as "Roadway Resurfacing Contract – Pine Terrace Section" for a total contract price in the amount of \$408,359.70; and

WHEREAS, S. Brothers, Inc. has completed the project; and

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

WHEREAS, pursuant to N.J.A.C. 5:30-11.3 the consulting engineer has recommended the approval of Close-Out Change Order #1 decreasing the contract by (\$11,468.26) from \$408,359.70 to \$396,891.44 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 S. Brothers, Inc. for Roadway Resurfacing Contract – Pine Terrace Section project to \$396,891.44, refunding \$11,468.26 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 #015216496 in the amount of \$408,359.70 to the contractor is authorized.
5. That Maintenance Bond #015216496M in the amount of \$39,689.14 provided by the contractor is hereby accepted.
6. That the Township Clerk shall forward a certified copy of the resolution to the contractor, ARH Associates, Business Administrator, Township Engineer, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on September 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

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LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

RESOLUTION FOR THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, REVIEWING AND APPROVING THE ANNUAL COMPENSATION FOR THE BOARD COMMISSIONERS OF FIRE DISTRICTS NOS. 1, 2 AND 3

WHEREAS, the Brick Township Fire Districts Nos. 1, 2 and 3 have authorized and approved annual compensation for 2022 for their respective Boards of Fire Commissioners via the adoption of Resolutions; and

WHEREAS, N.J.S.A. 40A:14-88 requires the salaries of members of the Board Commissioners of Fire Districts to be reviewed and approved by the governing body; and

WHEREAS, the Mayor and Township Council have reviewed the proposed annual compensation for the members of the Board of Fire Commissioners as follows:

District No. 1

Seven thousand dollars (\$7,000.00) per commissioner

District No. 2

Seven thousand dollars (\$7,000.00) per commissioner

District No. 3

President	\$44,500.00
Vice President	\$ 5,000.00
Treasurer	\$19,500.00
Secretary	\$ 6,500.00
Commissioner-at-Large	\$ 6,500.00

NOW THEREFORE BE IT RESOLVED:

1. That the proposed 2022 annual compensation of the Board of Fire Commissioners of Brick Township Fire Districts No. 1, 2 and 3 is approved.
2. That a certified copy of this Resolution shall be provided to the Board of Fire Commissioners of Brick Township Fire Districts No. 1, 2 and 3.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council held on September 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Township this 27th day of September 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-8	9-27-22
Agenda #	Date
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RESOLUTION

**RESOLUTION FOR THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AUTHORIZING A STATE AID AGREEMENT BETWEEN
THE TOWNSHIP AND THE STATE DEPARTMENT OF ENVIRONMENTAL
PROTECTION FOR THE CONSTRUCTION OF A HURRICANE AND STORM
DAMAGE REDUCTION PROJECT**

WHEREAS, the New Jersey Department of Environmental Protection ("DEP") has undertaken, with the United States Army Corps of Engineers, a project known as the Manasquan Inlet to Barnegat Inlet, New Jersey Hurricane and Storm Damage Reduction Project (the "Project"), which has resulted in the construction of storm damage reduction measures in the Township, including oceanfront beach replenishment; and

WHEREAS, the Project also includes the periodic renourishment, operation and maintenance of the measures undertaken in the Project; and

WHEREAS, the future renourishment costs over the fifty-year life of the Project are to be paid 50% by the federal government and 50% by non-federal funds, with 75% of the non-federal share paid by DEP and the remaining 25% paid by the Township; and

WHEREAS, the terms of a State Aid Agreement that memorializes the cost-sharing arrangement between the DEP and the Township has been reviewed by the Township Engineer and the Township Attorney, who recommend its consideration to the Mayor and Township Council, in order to ensure the ongoing work of the Project; and

WHEREAS, the Township Council desires to authorize the Mayor to execute the State Aid Agreement, 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 State Aid Agreement Between the Department of Environmental Protection and the Township for Construction of Manasquan Inlet to Barnegat Inlet, New Jersey Hurricane and Storm Reduction Project, Project No. 6075-BR-R1, 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, Department of Environmental Protection.

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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-9	9-27-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated September 12, 2022 that there is \$4,800.29 remaining in the engineering inspection fund from 2026 Route 88, LLC, 9 Bella Vista Court, Marlboro, NJ 07746 for Dunkin Donuts, 2026 Route 88 (Block 1029 Lot 20, 21 & 22); 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 \$4,800.29 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 \$4,800.29 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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-10a	9-27-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated September 13, 2022 that there is \$2,127.32 remaining in the engineering inspection fund from Guzzi Masonry & Paving, LLC, 510 Garfield Avenue, Toms River, NJ 08753 for 1643 Route 88 (Block 830 Lot 13); and

WHEREAS, the Assistant Township Engineer has advised that the applicant has decided not to be the contractor; and

WHEREAS, a new contractor has been hired and has replenished the inspection fund; and

WHEREAS, the Assistant Township Engineer recommends that the \$2,127.32 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 \$2,127.32 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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4106	9-27-22
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Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated September 13, 2022 that there is \$38.75 remaining in the engineering inspection fund from HBI, Inc., 2520 West Maple Avenue, Feasterville, PA 19053 for 1930 Route 88 (Block 1149 Lot 5, 5.01 & 6); 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 \$38.75 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 \$38.75 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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-10c	9-27-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated September 12, 2022 that there is \$840.14 remaining in the engineering inspection fund from The Farm @ 511, LLC/Merri-Makers Caterers, 511 Herbertsville Road for Block 1383 Lot 2, BA-3115; 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 \$840.14 (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 \$840.14 (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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-10d	9-27-22
Agenda #	Date
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RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated September 19, 2022 that there is \$324.64 remaining in the engineering inspection fund from 46 Princeton Ave., LLC, 112 Sleepy Hollow Drive, Brick NJ 08723 for 46 Princeton Avenue (Block 869 Lot 15); and

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

WHEREAS, the Assistant Township Engineer recommends that the \$324.64 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 \$324.64 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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-10c	9-27-22
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 124.03, Lot 1 Account #102213 as of 9-13-2021.

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 9-13-2021 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
124.03/1/102213	Cassetta, Diane & John	\$1,627.00- 2021
448 Ripley Ct.		<u>\$4,134.36- 2022</u>
		\$5,761.36

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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-11a	7-27-22
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 1051, Lot 6 Account #518855 as of 2-28-2022.

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 2-28-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1051/6/518855 106 Truman Drive	Gellatly, Robert & Carolyn	\$3,148.00

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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-11b	9-27-22
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 1124, Lot 2.13 Account #522410 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>
1124/2.13/522410 4 Ryjac Court	Maribo, James & Allison	\$5,598.47

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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-11c	9-27-22
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 377.08, Lot 42 Account #207493 as of 2-5-2022.

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 2-5-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
377.08/42/207493 105 Seaview Ave.	Rembis, Joseph Jr. & Sheila	\$2,483.10

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 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-11 d	9-27-22
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick, is advising the Township Council that account # 313127 block 548 lot 17; has been granted a full tax exemption effective January 1, 2023.

WHEREAS, the Tax Collector is requesting to cancel taxes going forward.

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 as stated above and refund as necessary.

<u>Block/Lot/Account#</u>	<u>Name</u>	<u>Amount</u>
548/17/313127 111 Drum Point Rd.	Trustees Brick Presbyterian Church	Exempt

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 September 27, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of September, 2022.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
411e	9a7aa
Agenda #	Date
Agenda #	Date
Agenda #	Date

ORDINANCE

ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF PROPERTY KNOWN AS BLOCK 210.31, LOTS 4, 5, 6 AND 7 FOR NO CONSIDERATION

WHEREAS the owner of property known as Block 210.3, Lots 4,5,6 and 7 (the "Property"), have proposed to donate the Property to the Township for no consideration; and

WHEREAS the Township Council desires to accept the donation from the owners for no consideration; and

WHEREAS the Township is required by the provisions of N.J.S.A. 40A:12-5 to accept such property acquisitions by ordinance.

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.

- A. The Governing Body hereby authorizes the acquisition by donation of property designated as Block 210.31, Lots 4,5,6 and 7 for no consideration.
- B. The Mayor and Township Clerk are hereby authorized to sign any necessary documentation to effect the acquisition of title to the Property by donation.
- C. The acceptance of title to the Property by the Township is expressly conditioned on the completion of reasonable due diligence by the Township of the Property, which due diligence shall be completed within sixty (60) days of the final approval of this Ordinance, and which may include a title search, a survey, an environmental assessment, and such other due diligence as deemed necessary by the Township.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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 become effective 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 27th day of September 2022, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 11th day of October 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.

Revised

Agenda #	Date
5-1	9/27/22
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, 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 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, 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 is hereby amended with the provisions set forth in this Ordinance.

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

CHAPTER 329. REGISTRATION OF FORECLOSURE MORTGAGES AND VACANT PROPERTY

§ 329-1. Purpose and Intent.

It is the purpose and intent of the Township Council to 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

revised

Agenda #	Date
5-1	9-13-22
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6-1	9-27-22

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, 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 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 Judgement 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 "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; 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 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 .

- (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.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure, 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, 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. A separate

registration is required for each property under a Foreclosure Action, regardless of whether is occupied or vacant.

- (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 Annual Registration fee of five hundred dollars (\$500.00) for each Property under foreclosure. Subsequent Annual Registrations of properties under foreclosure and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. There shall be an additional fee of two thousand dollars (\$2,000) per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned at any time thereafter while the property is in foreclosure. 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.
- (g) 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 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 Property.
- (i) If the Mortgagee sells or transfers the Registrable 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 Property.
- (j) If the Foreclosure 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 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 Property.

- (k) 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) Properties subject to this section shall remain subject to the Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (m) 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) 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) 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 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 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 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. In accordance with the provisions of P.L. 2021, Chapter 444, this ordinance and the amendments to Chapter 329 of the Township Code shall be retroactively effective as of August 1, 2022, after second reading and publication as required by law.

NOTICE

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

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR