



**Brick Township Council
Caucus/Public Meeting
February 28, 2023
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 27, 2023. 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. Accept Reports from Municipal Officers.
 - d. Approve Minutes from February 14, 2023 Meeting.
 - e. Presentations:
 1. High School Students of the Month.
 - a. Brick Township High School.
 - b. Brick Memorial High School.
 2. Brick United American Youth Cheer Champions.
 - a. Brick United D8.
 - b. Brick United D10.
 - c. Brick United D14.
4. Authorize Appointment of Mayor.
 - a. Administration of Oath of Office to Mayor by Clerk Iannarone.

Consent Agenda

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

5. Resolutions:
 - _____1. Authorize Award of Bid – Purchase & Delivery of Aggregates and Asphalt.
 - _____2. Authorize Award of Bid – Purchase & Delivery of Various Doors.
 - _____3. Authorize Agreement for Beach Maintenance – Seneca Dunes.
 - _____4. Authorize Shared Services Agreement with Mantoloking – Code Enforcement Services.
 - _____5. Authorize Special Events Permit – Coast the Coast.
 - _____6. Authorize Special Events Permit – St. Patrick’s Day Celebration.
 - _____7. Tax Collector:
 - a. 100% DAV/Widow of Veteran – Block 1179, Lot 25.
 - b. Tax Overpayment 2023 – Block 701, Lot 9.05.
 - c. Tax Overpayments 2021 & 2022 Appeals – Block 446.19, Lot 7.
 - d. Tax Overpayment 2022 Appeal – Block 670, Lot 4.

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

- _____8. Bill Resolution – Computer 2023.
- _____9. Bill Resolution – Manual 2023.
6. Ordinance on First Reading:
 - _____1. Amending Chapter 245 to Establish Maximum Accessory Building Height and Setback Requirements.
 - _____2. Amending Chapter 168 to Authorize and Establish Requirements and Fees Applicable to Municipal Dredging Permits.
 - _____3. Creating Chapter 277 Entitled "Mercantile Licenses."
7. Ordinance on Second Reading:
 - _____1. Bond Ordinance for Acquisition of Property for Open Space Preservation.
8. Public Comments.
Please note that each person addressing the Council during any section of the meeting during which public comment is permitted shall limit his/her remarks to five minutes pursuant to Brick Township Administrative Code Section 2 -33B.
9. Council Comments.
10. Motion to Adjourn.
**And any other matters which may come before Council.
Formal Action may be taken at all meetings.**

*****Next scheduled Caucus/Public Meeting will be held on Tuesday, March 14, 2023 at 7:00 p.m.*****

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for Purchase & Delivery of Aggregates and Asphalt on Friday, February 3, 2023; and

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

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

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

1. That the contract for the Purchase & Delivery of Aggregates and Asphalt is hereby awarded to the following vendors in accordance with the attached schedule of prices:
 - American Bituminous Company, Inc., 100 Main Street, West Collingswood Heights, NJ 08059
 - Brickwall Corporation, 2215 West Lacey Road, Forked River, NJ 08731
 - Central Jersey Hot Mix Asphalt, LLC, 577 South Hope Chapel Road, Jackson, NJ 08527
 - Greenway Industries of NJ, LLC, 89 Yellowbrook Road, Farmingdale, NJ 07727
 - R.W.V. Land & Livestock South, Inc., P.O. Box 1323, Jackson, NJ 08527
 - Stavola Construction Materials, Inc., 175 Drift Road, Tinton Falls, NJ 07724
 - Trap Rock Industries, LLC, P.O. Box 419, Kingston, NJ 08528
 - The Walter R. Earle Corporation, P.O. Box 757, Farmingdale, NJ 07727
2. That this is a unit price bid not to exceed \$500,000.00 per year with funds to be certified prior to each order. Sufficient funds are available pending adoption of the 2023 operating budget under appropriations entitled Roads – Paving, Patching, Drainage Materials account 3-01-26-290-263; Maintenance of Parks – Supplies – Public Grounds, account 3-01-28-375-242; and available capital budget accounts.
3. That this is a two (2) year contract commencing on March 24, 2023 and ending on March 23, 2025 with prices that shall remain firm fixed.
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 vendors, Business Administrator, Chief Financial Officer, Superintendent of Public Works, Township Engineer and the Office of Purchasing & Contracting.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on February 28, 2023.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of February, 2023.

Agenda #	Date
5-1	2-28-23
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LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Division of Purchasing and Contracting received sealed bids for the Purchase & Delivery of Various Doors on Tuesday, February 14, 2023; 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 & Delivery of Various Doors is hereby awarded to Mocean Hollow Metal and Hardware, Inc., 999 Airport Road, Unit 2, Lakewood, NJ 08701 per the attached schedule of prices.
2. That this is a unit price bid with not to exceed amount of \$100,000.00 per year; therefore, funds shall be certified prior to each order. Sufficient funds are available pending adoption of the 2023 operating budget under appropriations entitled Buildings & Grounds Maintenance Supplies, account 3-01-26-310-254 and various capital budgets designated for renovations.
3. That this will be a two (2) year contract commencing on March 1, 2023 and ending on February 28, 2025.
4. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
5. That a copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Superintendent of Public Works and the Office of Purchasing & Contracting.

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 February 14, 2023.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of February, 2023.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-2	2-28-23
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RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AGREEMENT BETWEEN THE TOWNSHIP AND THE SENECA DUNES HOMEOWNERS ASSOCIATION FOR BEACH MAINTENANCE

WHEREAS, the Seneca Dunes Homeowners Association (“HOA”) is responsible for beach maintenance in front of 14 residential homes adjacent to Brick Beach 1; and

WHEREAS, the Brick Township Beach Department staff sweep all of the Township’s beaches, including Brick Beach 1, regularly throughout the Summer season; and

WHEREAS, the HOA does not have equipment or manpower to sweep their beach throughout the season; and

WHEREAS, the Township is willing to provide beach sweeping services to the HOA, at no cost to the taxpayers, with all costs for such services being paid for by the HOA; and

WHEREAS, the Mayor and Township Council desire to enter into an agreement on file in the Township Clerk’s Office to provide the terms and conditions for such services;

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

1. The Mayor is authorized to execute and the Municipal Clerk to attest to the Shared Services Agreement on file in the Township Clerk’s Office between the Township of Brick and the Seneca Dunes Homeowners Association, pursuant to which the Township will provide beach sweeping services and will be paid by the HOA based on the schedule set forth therein.
2. The Township Clerk is authorized to provide a certified true copy of this Resolution to the Seneca Dunes Homeowners Association.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 28, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of February, 2023.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-3	2-28-23
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RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF MANTOLOKING FOR CODE ENFORCEMENT SERVICES ON A PART-TIME AND AS-NEEDED BASIS

WHEREAS, the Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.*, authorizes municipalities to enter into shared services agreements with other public entities to provide or receive services that the local unit participating in the agreement is empowered to provide or receive; and

WHEREAS, N.J.S.A. 40A:65-5 requires such agreements to be authorized by the adoption of a Resolution; and

WHEREAS, the Borough of Mantoloking has a need for supplemental Code Enforcement services; and

WHEREAS, the Township of Brick has agreed to provide part-time Code Enforcement services on an as-needed basis, pursuant to the terms and conditions set forth in the agreement on file in the Township Clerk's Office.

WHEREAS, the Governing Body desires to authorize the execution of a Shared Services Agreement with the Borough of Mantoloking for the provision of Code Enforcement services on a part-time and as-needed basis at the hourly rate of \$45.00 with any additional or evening hours at the rate of \$70.00 per hour.

NOW THEREFORE BE IT RESOLVED:

1. That the Mayor and Township Clerk are authorized to execute and attest to, respectively, the Shared Services Agreement.
2. That a certified copy of this Resolution shall be provided to the Borough of Mantoloking and shall, pursuant to N.J.S.A. 40A:65-1 *et seq.*, be filed along with the agreement, for informational purposes only, with the Division of Local Government Services, Department of Community Affairs.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 28, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of February, 2023.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-4	2-28-23
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RESOLUTION

WHEREAS, the National MS Society, 1480 US Hwy. 9 N, Suite 301, Woodbridge, NJ 07095 has applied for a special event permit to conduct a Bike MS: Coast the Coast Event on Saturday, May 13, 2023 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve the National MS Society's request for special event application to conduct a Bike MS Coast the Coast Event on Saturday, May 13, 2023 with the conditions and restrictions detailed below.

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

SECTION 1. That the National MS Society's request for special event application to conduct a Bike Ride Event on Saturday, May 13, 2023 between the hours of 7:00 am and 6:00 pm at Route 35 Bike Lanes Northbound and Southbound with the conditions and restrictions as follows:

1. All fire lanes shall remain open and accessible at all times.
2. Applicant will provide the Municipal Clerk with the NJDOT Permit prior to event.
3. Ride will be conducted in accordance with all applicable State laws and utilize the designated bicycle lanes.
4. The event has been rescheduled from last year due to weather so the fee is waived for the event this year.
5. The intentional and/or accidental release of balloons and other helium/gas filled objects into the atmosphere is environmentally detrimental and should be prevented.
6. Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
7. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

SECTION 2. That a copy of this Resolution shall be provided to the Chief of Police and the National MS Society.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 28, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of February, 2023.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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5-5	2-28-23
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RESOLUTION

WHEREAS, PJ Sweeney's has applied for a special event permit to conduct a St. Patrick's Day Event on March 17, 2023 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

WHEREAS, the Mayor and Council desire to approve PJ Sweeney's request for special event application to conduct a St. Patrick's Day Event on March 17, 2023 with the conditions and restrictions detailed below.

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

SECTION 1. That PJ Sweeney's request for special event application to conduct a St. Patrick's Day Event on March 17, 2023 at 447 Brick Boulevard between the hours of 11:00 am and 1:00 am, with the conditions and restrictions as follows:

- 1) All fire lanes and fire access and areas and store exits must remain open and accessible at all times and all occupancy loads be maintained. No obstruction of the pedestrian crosswalk/sidewalk access shall be permitted.
- 2) A Type I fire permit must be obtained from the Bureau of Fire Safety and a full UFC inspection is to be conducted on the day of the event.
- 3) Security must be present by 12:00pm and remain on location for the duration of the event for crowd control. The Bureau also recommends interior crowd control/security.
- 4) Dedicated trained personnel should be stationed to screen for underaged patrons. Employees or security should be in place to ensure people are of age to consume alcoholic beverages and people do not exit this secure area with any alcoholic beverages.
- 5) A copy of the extension of the licensed premises permit from the NJABC has been provided to the Municipal Clerk.
- 6) Any signage advertising this event (if applicable) shall not be displayed in a manner that it creates a view obstruction at the entrances/exits of the parking lot.
- 7) The intentional and/or accidental release of balloons and other helium/gas filled objects into the atmosphere is environmentally detrimental and should be prevented.
- 8) Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
- 9) Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

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

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on February 28, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of February, 2023.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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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 1179, Lot 25 Account #521100 as of 7-14-2022.

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 7-14-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1179/25/521100 35 Green Avenue	Iden, Neil	\$1,698.23

CERTIFICATION

I, Lynnette A. Iannarone, Township 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 February 28, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 28th day of February, 2023.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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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 2023.

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>
701/9.05/413112 Prosper Way, Et Al	HEXA L10 JV LLC	\$9,941.57

CERTIFICATION

I, Lynnette A. Iannarone, Township 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 February 28, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of February, 2023.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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5-7b	2-28-23
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RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments for the years 2021 and 2022 on Block 446.19, Lot 7, Account #310533, due to State Appeals being granted; and as the State Appeal reduces the assessment from 1,400,000 to 1,250,000 for 2021.

WHEREAS, refunds are to be issued pursuant to the listing below.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund the amounts listed below.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
446.19/7/310533 635 Duquesne Blvd.	Duquesne Holdings LLC	\$3,558.00-2021 <u>\$3,634.50-2022</u> \$7,192.50

CERTIFICATION

I, Lynnette A. Iannarone, Township 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 February 28, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of February, 2023.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments for the year 2022 on Block 670, Lot 4, Account #312595, due to State Appeals being granted; and as the State Appeal reduces the assessment from 14,000,000 to 13,500,000 for 2022.

WHEREAS, refunds are to be issued pursuant to the listing below.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund the amounts listed below.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
670/4/312595 2770 Hooper Ave.	Brach Eichler LLC & Kennedy Mall Associates	\$12,115.00

CERTIFICATION

I, Lynnette A. Iannarone, Township 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 February 28, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 28th day of February, 2023.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
5-7d	2-28-23
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ORDINANCE

ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 245 ATTACHMENT 5 CAPTIONED "SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS" TO ESTABLISH MAXIMUM ACCESSORY BUILDING HEIGHT AND SETBACK REQUIREMENTS

WHEREAS, the Township Council hereby amends Section 245-3 to establish a definition applicable to impervious coverage, and;

WHEREAS, the Township Council hereby amends Section 245 Attachment 5 to establish maximum permitted building heights and setback requirements for accessory buildings in residential zoning districts;

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

SECTION 1. Section 245-3 of the Township Code of the Township of Brick is hereby amended to amend the definition for accessory building or use. The amendment to Section 245-3 shall read as follows:

Section 245-3 Accessory Building or Use.

SECTION 2. Section 245 Attachment 5 of the Township Code captioned "Schedule of Area, Yard and Building Requirements is hereby amended to establish maximum allowable accessory building height and setback requirements in residential zones. The amendments to Chapter 245 Attachment 5 shall read as follows:

Zone	Accessory Building			
	Minimum Side Yard(4)	Minimum Rear Yard(4)	Maximum Building Height	Minimum Setback from Principal Building
R-R	25	25	33	20
R-20	10	10	27	10
R-15	10	10	24	10
R-10	5	5	18	5
R-7.5	5	5	18	5
R-5	5	5	18	5
VZ	5	5	18	5

NOTES:

4. For accessory buildings greater than fifteen feet in height, the minimum rear and side yard setbacks shall be respectively, one-third of the building height of the accessory structure or the minimum setback from the schedule, whichever is greater. Accessory Building height shall be measured in accordance with the provisions of Section 245-3.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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

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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 Council of the Township of Brick held on the 28th day of February, 2023 and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 14th day of March, 2023 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

MAYOR

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 168 TO AUTHORIZE AND ESTABLISH REQUIREMENTS AND FEES APPLICABLE TO MUNICIPAL DREDGING PERMITS

WHEREAS the Township of Brick has obtained a municipal permit to permit the dredging and disposing of materials from the New Jersey Department of Environmental Protection and the Army Corps of Engineers; and

WHEREAS the Township Council hereby establishes requirements and fees applicable to residents seeking to apply for municipal authorization to conduct dredging and disposal in accordance with the Township's New Jersey Department of Environmental Protection and Army Corps of Engineers Maintenance Dredging Authorizations;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of Township of Brick, County of Ocean, State of New Jersey that Chapter 168 is hereby amended to establish requirements and fees applicable to Municipal Dredging Permits.

SECTION 1. The Township Council of the Township of Brick does hereby amend Chapter 168 captioned "Engineering Permits and Standards" to establish an engineering permit requirement for dredging and adopt as § 168-4.1 requirements and fees for dredging which shall read as follows:

Chapter 168. Engineering Permits and Standards

§ 168-1. Engineering permits required for installation of certain improvements.

(6) Dredging.

§ 168-4.1. Dredging

- A. This Section of the Township of Brick Code is applicable to any person or entity wishing to engage in dredging and/or material disposal in accordance with the Township's New Jersey Department of Environmental Protection and Army Corp of Engineers Maintenance Dredging Authorizations. Any and all dredging that exceeds these Township authorizations shall require individual permits from the New Jersey Department of Environmental Protection and Army Corp of Engineers.
- B. Brick Township's Dredging Permits cover dredging beyond 5' from existing bulkheads to a maximum depth of -5' Mean Low Water (+1' over dredge allowance).
- C. No person, firm or corporation shall begin to or continue to dig, pump out or dispose of soil material from a boat basin, boat docking facility, lagoon, stream, channel, bay, marina or other area where earth is moved and water substituted therefor for increased water area or depth, in whole or in part, unless and until an engineering permit is obtained for such digging, pumping, transporting and disposal of dredge material.
- D. Use of Township's Infrastructure to execute a dredging plan is contingent on:
 - (1) Submittal and approval of plan to the office of the Township Engineer;
 - (2) Contractor Performance Bond & Insurance;
- E. A Dredging engineering permit application shall be filed by a contractor meeting the qualifications outlined herein. No permit shall be issued to an individual, company or corporation not meeting said qualifications.
 - (1) Contractor:(legal name and address);
 - (2) A valid NJ Business Registration;
 - (3) Certificate of insurance (\$1 million minimum with the property owner and the Township of Brick listed as additional insured);

Contractors shall provide a summary of three (3) similar projects performed within the past three (3) years, including a description of the project, work

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performed, and details of the Owner, Statement of prior experience/qualifications shall include:

- a. Include number of years dredging business as prime contractor.
- b. Complete equipment list (owned/leased/rented).
- c. Project list (last 3 years).
- d. Permit compliance statement (3 years).
- e. List any violations on contracted projects.
- f. Safety record, OSHA 300 log, EMR for past 3 years.

F. Applications to Dredge shall include the following minimum information:

- a. Permit application signed by property owner and contractor.
- b. Plan showing:
 - i. area to be dredged;
 - ii. square footage of area to be dredged;
 - iii. existing depth to bottom; and,
 - iv. proposed depth to bottom;
- c. Permit fee (\$400 per residential property, \$11,000 per commercial property + inspection fees in accordance with Section 168-4.1 G.).
- d. Proposed project schedule.
- e. Proposed dredge material disposal/reuse location.
 - i. Include location map and letter of acceptance for dredged material.
 - ii. Trucking route (if required).
- f. Certificate of insurance.
 - i. \$1 million minimum liability coverage.
 - ii. Name property owner and Township of Brick as an additional insured.
- g. Statement of prior experience/qualifications.
 - i. Include number of years dredging business as prime contractor.
 - ii. Complete equipment list (owned/leased/rented).
- h. Project list (last 3 years).
- i. Permit compliance statement (3 years).
 - i. List any violations on contracted projects.
 - ii. Safety record, OSHA 300 log, EMR for past 3 years.
- j. Proposed Township facility to be utilized.
 - i. Name (if applicable).
 - ii. Address.
 - iii. Site layout/dimensions required.
 - iv. Performance bond for Township infrastructure utilized.
 - v. Engineers estimate for bulkhead, drainage, pavement, and any other utilities in the area that could be damaged. (to be calculated by the Township).
 - vi. Dated video inspection before (provided prior to work activities) and after work activities.

G. Inspection Fees.

- a. Non-refundable inspection fees shall be posted in accordance with the following schedule:
 - i. 0 – 50 Cubic Yards \$5 per Cubic Yard;
 - ii. 51 – 500 Cubic Yards \$4 per Cubic Yard;
 - iii. 501 – 2,000 Cubic Yards \$3 per Cubic Yard;
 - iv. 2,001 or more Cubic Yards \$2 per cubic Yard.
- b. Dredge Volumes of 5,000 cubic yards or greater shall also require a post dredge hydrographic survey.

H. Additional information required for utilizing Township facilities (street end bulkheads, NJDOT dredge hole 25, Township property, etc.)

- a. Proposed facility to be utilized.
 - i. Name (if applicable).

- ii. Address.
- iii. Site layout/dimensions required:
 - Elevations and locations of bulkhead and storm structures (0.05'+/-).
 - Bathymetry at street end (available from Township).
 - Pavement elevations.
 - Locations of above ground and underground utilities (based on utility mark-out).
 - Right of way location.
 - Equipment/staging location.
 - Method/detail of bulkhead protection.
 - Method of road, curb sidewalk, storm inlet/outfall protection (as needed).
- iv. Performance bond (covers Township infrastructure utilized).
- v. Township Engineers estimate for bulkhead, drainage, pavement, sidewalk, and any other utilities in the area that could be damaged.
- vi. Dated video inspection before and after work activities. This must be provided prior to the commencement of work.
- b. Work at street ends limited to the hours of 8 am to 4 pm Monday through Friday.
- c. Consideration for the use of Township property is independent of any decisions made at any and all other locations and any and all other times. Each circumstance is unique and the factors which the Township considered are as determined necessary by the Township.
- d. Post Construction As-built drawing requirement for Township owned facilities, including the following information:
 - i. Elevation and location of bulkhead and storm sewer structures.
 - ii. Pavement elevations.
 - iii. Bathymetry at street end.
- e. Contractor assumes responsibility to assure requested facility meets contractor project requirements.

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 Council on first reading at a meeting of the Township Council of the Township of Brick held on the 28th day of February, 2023 and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 14th day of March, 2023 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

MAYOR

ORDINANCE

**AN ORDINANCE OF THE TOWNSHIP OF BRICK,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING THE TOWNSHIP CODE TO CREATE A
NEW CHAPTER 277 TO BE ENTITLED "MERCANTILE
LICENSES"**

WHEREAS, a newly enacted State law, codified as N.J.S.A. 40A:10A-1 et seq., requires all business owners and owners of multifamily rental units in the Township to maintain certain levels of liability insurance; and

WHEREAS, the State law requires the owners to annually register a certificate of insurance with the municipality where the business or rental unit is located; and

WHEREAS, the State law places the burden on individual municipalities to enforce this State-mandated policy, and authorizes a reasonable administrative fee for the cost, but provides no guidance on the process; and

WHEREAS, Township officials have met with representative of the Brick Township Chamber of Commerce to discuss the adoption of a mercantile license requirement as a reasonable and cost-efficient approach to comply with the law; and

WHEREAS, the Township officials and Chamber of Commerce representatives also discussed the benefit of a mercantile license when contacting and locating a business owner in the event of an emergency; and

WHEREAS, the Chamber of Commerce representatives stated that they were not opposed to the creation of a mercantile license as long as the fee was nominal;

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. A new Chapter 277 of the Township Code of the Township of Brick is hereby created which shall read as follows:

**CHAPTER 277
MERCANTILE LICENSES**

§ 277-1 Purpose

The purpose of this Chapter is to require the owner of a business, owner of a rental unit or units, and the owner of a multi-family home of four or fewer units, one of which is owner occupied, to obtain a mercantile license from the Township, in order to ensure compliance with N.J.S.A. 40A:10A-1 et seq. (liability insurance requirements) and to provide for a contact in the event of an emergency.

§ 277-2 License Required

Hereafter, any person, firm, corporation, partnership or other entity engaging in, conducting or operating any business, rental units, or multi-family home of four or few units, one of which is owner occupied, within the limits of the Township of Brick, shall be required to obtain a mercantile license for any such business. Independent contractors who work in a business operation that is already obligated to obtain a license under this Chapter, such as a cosmetologist in a salon, shall be exempt from the requirements of this Chapter.

§ 277-3 License Fee; Renewal

- a. The license fee for each mercantile establishment shall be \$25 per year.
- b. The term of a license shall be one calendar year from the date of issuance.

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- c. The fee for the annual renewal of a license shall be \$25. Failure to renew a license prior to its expiration shall result in a loss of license and shall require a new application.

§ 277-4 Application

Applications for mercantile licenses shall be filed with the Code Enforcement Office. The application shall be filed on a form provided by the Township, which shall include: (i) the name and address of the owner or business; (ii) the type of business; and (iii) contact information for a representative of the business to be used in case of emergency. Each application shall also include a copy of the Certificate of Insurance required by N.J.S.A. 40A:10A-2.

§ 277-5 Nontransferability

No license granted under this Chapter shall be assignable or transferable to any other person, firm, corporation, partnership or other entity. If a business is sold or transferred, the new owner must file a new application for a license. If a licensee desires to move the license from one location to another, the licensee must first inform the Township.

§ 277-6 Date of compliance

Any existing business governed by this Chapter shall apply for a license by December 31, 2023. Any new business shall apply for a license within thirty (30) days of opening.

§ 277-7 Penalties

Any person who violates one or more of the provisions of this Chapter shall be subject to a fine of not more than \$100.00 for each violation.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. This ordinance shall become effective after approval on 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 28th day of February, 2023, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 14th day of March, 2023 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

MAYOR

ORDINANCE

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE PRESERVATION PURPOSES, BY AND IN THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROPRIATING \$1,800,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM IN THE AMOUNT OF \$1,200,000) AND AUTHORIZING THE ISSUANCE OF \$1,800,000 IN BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$1,800,000, said amount being inclusive of a "Green Acres Grant" in the amount of \$1,200,000 received or expected to be received from the State of New Jersey Department of Environmental Protection Green Acres Program (the "Grant"). Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law of the State of New Jersey (the "Local Bond Law"), no down payment is required for the improvements or purposes set forth in Section 3(a) hereof, as such improvements or purposes are being funded by the Grant, which is provided by the State of New Jersey.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Township are hereby authorized to be issued in a principal amount not exceeding \$1,800,000 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,800,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

SECTION 3.

(a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the acquisition of real property for open space preservation, recreation and conservation purposes, which consists of a 20% portion, or approximately 6.32708 acres, of vacant land totaling approximately 31.6354 acres located at 443 Laurel Avenue in the neighborhood of Breton Woods in the Township and being designated as Block 646, Lot 21 on the Official Tax Map of the Township (the "Property"), which portion of the Property will be developed by the Township to build, among other things, a playground, driveways and parking lot. The remaining 80% portion of the Property, or approximately 25.30832 acres, will be acquired by the County of Ocean for open space preservation, recreation and conservation purposes.

(b) The improvements and purposes set forth in Section 3(a) above shall also include, as applicable, all legal fees, title search fees, closing costs, appraisal fees, advertising fees, survey fees, environmental and soil testing and remediation, bid documents, contract administration, work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$1,800,000.

(d) The estimated cost of said improvements and purposes is \$1,800,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, including the Grant, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Ocean. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean, including

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the Grant, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes, within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the Department of Community Affairs of the State of New Jersey, and such statement shows that there shall be deducted from the gross debt of the Township the \$1,800,000 amount of bonds or notes authorized herein to the extent the debt service on said bonds or notes is paid solely by the Township's Open Space Trust Fund, as prescribed by said Local Bond Law under N.J.S.A. 40A:2-44(h), and if not so paid, the gross debt of the Township shall be increased by the \$1,800,000 authorization of bonds or notes provided for in this bond ordinance and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$90,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes herein before described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three years after the expenditure is paid.

SECTION 10. The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of the obligations of the Township authorized herein and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of the holders and beneficial owners of the obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township is hereby authorized to acquire a portion of the Property and to negotiate an agreement of purchase and sale for the acquisition of a portion of the Property. The Mayor, Business Administrator, Chief Financial Officer, Township Attorney and Township Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of purchase and sale and any and all documents, instruments, affidavits, certificates and agreements necessary to acquire a portion of said Property.

SECTION 12. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued on a tax-exempt basis under this bond ordinance.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 14th day of February, 2023, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 28th day of February, 2023 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

MAYOR