



**Brick Township Council**  
**Caucus/Public Meeting**  
**March 14, 2023**  
**7:00 PM**  
**Agenda No. 2**

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. Approve Minutes from February 28, 2023 Meeting.
  - d. Presentations:
    1. Girl Scout Silver Award
      - a. Sofia Kriso, GS Troop #1735
    2. Boy Scout Eagle Award
      - a. Colin Pizzuro, BSA Troop #39
    3. "March for Meals" Proclamation
4. Budget Presentations:
  1. Administration – Joanne Bergin, Business Administrator
  2. Police Department – David Forrester, Police Chief

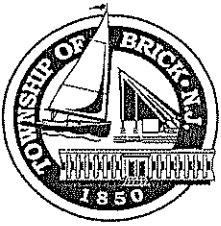
**Consent Agenda**

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

5. Resolutions:
  1. Recognize Patrolman Kris DeMarco Officer of the Year Award Recipient.
  2. Recognize Lt. Thomas McNelis Award Recipient.
  3. Urge State to Restore School Funding to Support Brick Township Schools & Students.
  4. Authorize Award of Contract – Mobile Ice Cream Truck.
  5. Authorize Award Contract Through the Educational Services Commission of NJ Cooperative Pricing System – Installation of Plumbing System at Aurora Place.
  6. Authorize Change Order #2 – Police Dept. Special Operations Garage.
  7. Authorize Participation in the New Jersey Coastal Coalition (NJCC).
  8. Authorize Shared Services Agreement with County of Ocean – FY23 Sheriff's Traffic Enforcement Program Grant.
  9. Authorize Intergovernmental Agreement with County of Ocean – Construction of a Hurricane & Storm Damage Reduction Project.
  10. Authorize Renewal of Mobile Home Park License – JSM @Martin Blvd., LLC Mobile Home Park.
  11. Authorize Plenary Liquor Licenses:
    - a. New Plenary Retail Consumption Liquor License – Barnegat Bayside Services LLC.
    - b. Place to Place Transfer Plenary Retail Consumption License – ZMRA LLC t/a Mantoloking Road Alehouse.
  12. Bond Releases/Reductions:
    - a. Inspection Fund Release – Board of Fire Commissioners District #2 – Folsom Fire House.
    - b. Maintenance Bond Release – Starbucks.
  13. Tax Collector:
    - a. Tax Overpayment 2023 – Block 36, Lot 18.
    - b. Tax Overpayments 2018, 2019 & 2020 State Appeals – Block 924, Lot 7.

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

14. **Authorize Appointment of Council Member.**
15. Bill Resolution – Computer 2023.
16. Bill Resolution – Manual 2023.
6. Ordinance on First Reading:
  1. Amending Chapter 324, Peddling & Soliciting.
  2. Authorize Acceptance of Donation of Property, Block 673, Lot 44.
7. Ordinance on Second Reading:
  1. Amending Chapter 168 to Authorize and Establish Requirements and Fees Applicable to Municipal Dredging Permits.
  2. Creating Chapter 277 Entitled "Mercantile Licenses."



**Brick Township Council  
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7:00 PM  
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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 28, 2023 at 7:00 p.m.\*\*\***

**RESOLUTION**

**WHEREAS**, the Brick Township Police Department is one of the finest law enforcement agencies in the State of New Jersey and has been protecting the safety and well-being of residents since 1972; and

**WHEREAS**, every year, the Brick Township Police Benevolent Association (PBA) Local 230 bestows upon a member of the Brick Township Police Department their Kristopher DeMarco Police Officer of the Year Award; and

**WHEREAS**, the PBA Local 230 has named Brick Township Police Officer Brian Gordon, Badge #297, as the Officer of the Year; and

**WHEREAS**, Officer Gordon has been a member of the Brick Township Police Department since 2014 and since that time has consistently proven himself to be an exceptional law enforcement officer; and

**WHEREAS**, Officer Gordon has earned a reputation as a highly motivated, knowledgeable and dedicated officer who is always ready and willing to assist any of his colleagues anytime and any way he can; and

**WHEREAS**, Officer Gordon currently serves as a Patrolman on the afternoon shift where, as a Field Training Officer, he is tasked with training new officers with the requirements and demands of the job; and

**WHEREAS**, in addition to his role as a Patrolman and Field Training Officer, Officer Gordon is also a member of the department's Special Emergency Response Team.

**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. We do hereby congratulate and commend Officer Brian Gordon, Badge #297, on his being named the Kristopher DeMarco Police Officer of the Year Award by the PBA Local 230.
2. We further wish Officer Gordon many more years of success and outstanding service to the people of our community and the Brick Township Police Department.

**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 of the Township of Brick at a meeting of said Township Council on March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**WHEREAS**, the Brick Township Police Department is one of the finest law enforcement agencies in the State of New Jersey and has been protecting the safety and well-being of residents since 1972; and

**WHEREAS**, every year, the Brick Township Police Benevolent Association (PBA) Local 230 bestows the Lt. Thomas McNelis Award on a member of the Brick Township Police Department in a supervisor or specialty role, who has brought public acclaim to his or herself, the Department or the law enforcement profession with the Lt. Thomas McNelis Leadership and Achievement Award; and

**WHEREAS**, the PBA Local 230 has named Detective Ryan Talty as the recipient of this year's award; and

**WHEREAS**, Detective Talty has been a dedicated member of the Brick Township Police Department since 2011; and

**WHEREAS**, throughout his service, Detective Talty has earned a reputation as being extremely knowledgeable, tactful and always willing to assist his colleagues whenever needed; and

**WHEREAS**, in addition to his role in the Detective Bureau, Detective Talty is also the department's counter-terrorism liaison and is a member of the Special Emergency Response Team; and

**WHEREAS**, Detective Talty's dedication, commitment and professionalism was previously recognized when he was named the Officer of the Year by the PBA Local 230 in 2014.

**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. We hereby congratulate Detective Ryan Talty on being named the recipient of the Brick PBA Local 230's Lt. Thomas McNelis Leadership and Achievement Award.
2. We further wish Detective Talty many more years of success and outstanding service to the people of our community and the Brick Township Police Department.

**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 of the Township of Brick at a meeting of said Township Council on March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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| 5-2      | 3/14/23 |
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**RESOLUTION FOR THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, DEMANDING THAT THE STATE RESTORE SCHOOL  
FUNDING TO SUPPORT BRICK TOWNSHIP SCHOOLS AND STUDENTS**

**WHEREAS**, the State of New Jersey and Governor Murphy announced this week that funding for Brick schools will be cut by \$2.54 million over last year's funding, representing 14.8% of its total funding, despite the State's increase in overall education spending by over \$1 billion; and

**WHEREAS**, the State last year cut \$4.7 million in funding to Brick schools, despite an overall increase in State spending on education of \$650 million; and

**WHEREAS**, the loss of millions in State funds will devastate Brick's school district and its students, creating a need for staff cuts and other reductions to educational efforts by the schools; and

**WHEREAS**, Governor Murphy has promoted the State budget as designed for "providing students throughout our state with the world-class education they deserve"; and

**WHEREAS**, the students of Brick schools and residents of Brick deserve to receive a fair share of State funding aid, but the current funding is grossly unfair to Brick; and

**WHEREAS**, the Mayor and Township demand that Governor Murphy and the State Legislature take immediate action to restore school funding to Brick schools that will enable the continuation of a "world-class education" for our students;

**NOW THEREFORE BE IT RESOLVED:**

1. That the Mayor and Township Council demand that Governor Murphy and the State Legislature immediately restore school funding to Brick that will enable the continuation of a "world class education" for our students.
2. That the Mayor and Township Council additionally demand that Governor Murphy and the State Legislature revise the school funding formula for the future to provide a fair share of the school funding from the State as is provided to other towns.
3. That a certified copy of this Resolution shall be sent to Governor Murphy, the 10<sup>th</sup> District Legislators, and the Brick Township Board of Education.

**CERTIFICATION**

I, Lynette A. Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting held on March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of the Township this 14th day of March, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**WHEREAS**, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for Mobile Ice Cream Truck on Thursday, March 2, 2023; and

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

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

**NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AS FOLLOWS:**

1. That the contract for the Mobile Ice Cream Truck is hereby awarded to Cool Concessions, LLC, 86 Mantoloking Road, Brick, NJ 08723.
2. That a certified check in the amount of \$3,500.00 has been submitted by Cool Concessions, LLC for the exclusive rights to be the Mobile Ice Cream Truck vendor for awarded Township parks.
3. That this award is for one (1) year, commencing on March 15, 2023 and ending on March 14, 2024.
4. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
5. That a certified copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Superintendent of Recreation and the Office of Purchasing & Contracting.

**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 March 14, 2023.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING SYSTEM**

**WHEREAS**, N.J.S.A. 40A:11-4 requires that every contract for the provision of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

**WHEREAS**, the Local Public Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids; and

**WHEREAS**, the Township of Brick is a party to a cooperative purchasing agreement with the Educational Services Commission of New Jersey Cooperative Pricing System, organized pursuant to N.J.S.A. 40A:11-10; and

**WHEREAS**, the Township of Brick desires to contract services for plumbing installation at 500 Aurora Place through the Educational Services Commission of NJ contract #65MCECCPS – ESCNJ 22/23-16; 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 contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-10 of the Local Public Contracts Law.
2. That the Purchasing Agent is hereby authorized to execute a purchase order to Magic Touch Construction Co., Inc., 59 West Front Street, Keyport, NJ 07735 in the total amount of \$272,192.22 for the installation of plumbing system at 500 Aurora Place through contract #65MCECCPS – ESCNJ 22/23-16.
3. 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 #12-21 – account C-04-55-878-402 – \$272,192.22
4. That the Township Clerk shall further forward a certified copy of this resolution to vendor, Business Administrator, Chief Financial Officer, Superintendent of Public Works and the Office of Purchasing & Contracting.

**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 March 14, 2023.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION  
CHANGE ORDER #2**

**WHEREAS**, the Township of Brick previously awarded a contract to Gavan General Contracting, Inc., 92 Forest Drive, Lakewood, NJ 08701 on May 24, 2022 for the project known as "Brick Township Police Department Special Operations Garage" for a total contract price in the amount of \$1,057,881.69; and

**WHEREAS**, Change Order #1 was authorized on July 26, 2022 commensurately increasing the contract by \$89,613.09 from \$1,057,881.69 to \$1,147,494.78; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.7 the consulting engineer has recommended the approval of Change Order #2 increasing the contract by \$39,936.91 from \$1,147,494.78 to \$1,187,431.69 due moving circuits over to the auxiliary power panel so EMS vehicles may be charged during a power outage, moving wall packs to the rear of the building to eliminate glare towards the municipal building, installing new circuit for the Plymovent system, and installing new concrete curb for safety; and

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

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

1. That the above-mentioned Change Order #2 is hereby authorized for the movement of circuits over to the auxiliary power panel so EMS vehicles may be charged during a power outage, movement of wall packs to the rear of the building to eliminate glare towards the municipal building, installation of new circuit for the Plymovent system, and installation of new concrete curb for safety.
2. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto. The following are the line item appropriations and ordinances which constitutes the availability of funds for this contract:  
Ordinance #11-17 – account C-04-55-858-401– \$39,936.91
3. That the Township Clerk shall further forward a certified copy of this resolution to the contractor, Colliers Engineering & Design, Business Administrator, Chief Financial Officer, Township Engineer, Chief of Police, 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 March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**WHEREAS**, the New Jersey Coastal Coalition (NJCC) is a 501(c)3 non-profit organization, incorporated in the State of New Jersey, who formed as the Atlantic-Cape Coastal Coalition in 2013 as a result of Superstorm Sandy and changed their name in early 2018 reflecting their desire to include all coastal communities; and

**WHEREAS**, the NJCC's mission is to build more resilient communities at the Jersey Shore by developing policies and practices that will anticipate future concerns and to create solutions to be shared by all participants; and

**WHEREAS**, Township staff have been attending meetings of the NJCC and have had mutual exchange from the NJUCC at the Township of Brick Floodplain Management Planning Committee and Community Rating System Users Group meetings; and

**WHEREAS**, participation in the NJCC provides the Township of Brick with networking and shared resources opportunities, which can better prepare the Township and its residents for future flood events; and

**WHEREAS**, the Township of Brick has determined it is in the best interest of the County to formalize its participation and become a member of the NJCC; and

**WHEREAS**, the County of Ocean also encourages its municipalities to participate in the NJCC.

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

1. The Township of Brick hereby formalizes its desire to be an active participant in the New Jersey Coastal Coalition and directs staff to continue to dedicate time as needed towards this endeavor.
2. Copies of this Resolution shall be made available to the Ocean County Board of Commissioners, the Ocean County Administrator, the Ocean County Planning Director, Ocean County Municipalities, and the NJ Coastal Coalition.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify that the foregoing to be a true and correct copy of a resolution adopted by the Township Council on March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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| 5-7      | 3/14/23 |
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**RESOLUTION**

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

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

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

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

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

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

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to Shared Services Agreement between the Township of Brick and the County of Ocean for the FY2023 Ocean County Sheriff's Traffic Enforcement Program retroactive from January 1, 2023 and shall continue in full force and effect until September 30, 2023.
2. A Copy of the Agreement will be on file for public inspection in the Office of the Municipal Clerk.
3. A certified copy of this Resolution shall be provided by the Office of the Township Clerk to the Township Attorney, Chief of Police, Purchasing Agent, Business Administrator, Ocean County Sheriff's Office and the Ocean County Board of Commissioners.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

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

**WHEREAS**, the restoration and preservation of Ocean County's ocean front beaches is of utmost importance to the financial stability of the tax base of the entire County; and

**WHEREAS**, the beaches of the Township of Brick are essential and unique natural resources that constitute an important part of the ecology, environment, and economy of Ocean County; and are enjoyed by residents throughout the State; and

**WHEREAS**, the Department of the Army hereinafter "Government" and the State of New Jersey hereinafter "State" have agreed to the construction of the New Jersey Hurricane and Storm Reduction Project hereinafter "Project" from the Manasquan Inlet to the Barnegat Inlet which includes the Barrier Island; and

**WHEREAS**, the Government and the State have agreed to provide the Municipality with funding to undertake a beach replenishment and restoration Project subject to the Municipality securing funding for twenty five percent (25%) of the non-federal share cost of the Project hereinafter Municipal Share; and

**WHEREAS**, the County, in recognition of the necessity of the Project, has agreed to enter into an Intergovernmental Agreement with the Township of Brick to provide funding for the Project in an amount equal to \$486,236.11 of the Municipal Share, of estimated re-nourishment costs and all options cost as outlined in the State of New Jersey Project 6075-BR-RI and Federal Flood Control Coastal Emergency Project; and

**WHEREAS**, the County has agreed to the fund, the Municipal Share on behalf of the municipality with the understanding the County will process payment direct to New Jersey Department of Environmental Protection on the municipality's behalf; and

**WHEREAS**, in accordance with NJSA 40:29-10 Beach Protection and Municipal Co-Operation, the Board of Commissioners of any county and governing body of any municipality bordering on the Atlantic Ocean may enter into an agreement to fund beach protection/preservation whereby the board will pay the municipality's share estimated re-nourishment costs an amount of fifteen percent (15%) of the non-federal share appropriation; and

**WHEREAS**, the Municipality desires to apply the grant proceeds from the County through the American Rescue Plan Act (ARPA) funds to the Municipality to its ten percent (10%) cost share.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Brick, County of Ocean, State of New Jersey in consideration of the mutual terms and conditions, covenants and obligations herein contained, the parties agree as follows:

1. The County will provide funding for the Project in an amount equal to fifteen percent of the Township of Brick's Municipal Share, as outline above in Paragraphs 5, 6 and 7.
2. The County will apply \$324,157.41 of the Municipality grant funds from the County through the ARPA, directly to their cost share to the NJDEP for this project, in a total amount of \$810,393.52.
3. The County shall pay all funds directly to the NJDEP on behalf of the Municipality upon receipt of written confirmation from the Municipality that the State Aid Agreement between the Municipality and the New Jersey Department of Environmental Protection (NJDEP) has been executed and that the total amount of the Municipal Share is due and owing the NJDEP.
4. The Municipality warrants and represents that upon request from the County, it will obtain an accounting of all expenditures related to the Project from the NJDEP, Office of Engineering and Construction.

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5. The Municipality is solely responsible for all future maintenance and costs associated with upkeep and repair of the Project.
6. The Municipality hereby covenants and agrees to save harmless the County, its agents, officials and employees from any and all suite, damages, claims or other causes of action, including reasonable attorney fees, in any way arising out of or associated with the performance of this Agreement by the County.
7. That the Mayor and Township Clerk are authorized to execute and attest to, respectively, the Intergovernmental Agreement a copy of which is on file in the Municipal Clerk's Office.

#### 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 March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION**

**WHEREAS**, Chapter 445 of the Township Code requires a license for the operation of a mobile home park in the Township of Brick; and

**WHEREAS**, JSM @Martin Blvd., LLC, the owner of the JSM @ Martin Blvd., LLC Mobile Home Park located at Route 88 and Jack Martin Boulevard, Block 868.01 Lot 16 has submitted an application to the Municipal Clerk for the renewal of their license for the operation of the park; and

**WHEREAS**, the application has been reviewed and the JSM @ Martin Blvd., LLC has been inspected by the Township's Code Enforcement Official and they have abated the conditions on the property to be addressed and is now in compliance with the Township Code; and

**WHEREAS**, the Township Council desires to authorize the issuance of a license to JSM @Martin Blvd., LLC based on the recommendations of the Code Enforcement Official;

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

1. That the Municipal Clerk is hereby authorized to renew the license issued to JSM @Martin Blvd., LLC for the JSM @Martin Blvd., LLC Mobile Home Park, located at Route 88 and Jack Martin Boulevard, Block 868.01 Lot 16, for the operation of the park.
2. That said license shall be effective January 1, 2023 through December 31, 2023 and subject to the provisions Chapter 445 of the Township Code.
3. That the Township Clerk shall forward a certified copy of this resolution to the Business Administrator, the Code Enforcement and JSM @Martin Blvd., LLC.

**CERTIFICATION**

I, Lynnette A. Iannarone, Municipal 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 March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
MUNICIPAL CLERK

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**RESOLUTION**

**WHEREAS**, by Resolution 516-16 on November 1, 2016 the Township Council did authorize the receipt of bids for a new plenary retail consumption liquor license by sealed bid conducted by law in accordance with the resolution thereby adopted; and

**WHEREAS**, as a result of such bidding, the Township Council did award a new plenary retail consumption liquor license by Resolution 578-16 on December 20, 2016 to Barnegat Bayside Services, LLC, 2 Commerce Street, Branchburg, NJ for premises located at 5 Mantoloking Road, Brick, NJ 08723 who was determined to be the sole qualified bidder; and

**WHEREAS**, the funds derived from the conduct of this sale, being \$611,000.00, were remitted to the Township Treasurer for the general use of the municipality; and

**WHEREAS**, the advertising has been completed as required by law, and there have been no objections received as to the issuance of this license; and

**WHEREAS**, all fees have been paid, satisfactory municipal background reports and information regarding the applicant's qualifications and the source of funds used to purchase this license have been thoroughly investigated and approved and the application is in proper form; and

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

1. That a new plenary retail consumption liquor license be issued to Barnegat Bayside Services, LLC, 2 Commerce Street, Branchburg, NJ for premises located at 5 Mantoloking Road, Brick, NJ in the Inactive Status.
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
  - Licensee
  - New Jersey Division of Alcoholic Beverage Control

**CERTIFICATION**

I, Lynnette A. Iannarone, Municipal 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 March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
MUNICIPAL CLERK

|          |         |
|----------|---------|
| Agenda # | Date    |
| 5-11a    | 3/14/23 |
| Agenda # | Date    |
| Agenda # | Date    |
| Agenda # | Date    |

**RESOLUTION**

**WHEREAS**, an application has been filed with the Township Clerk for a Place to Place Transfer (Expansion of Premises) of Plenary Retail Consumption License 1506-33-032-003 issued to ZMRA LLC t/a Mantoloking Road Alehouse for the purposes of including the outside patio under license wherein the sale, service and storage of alcoholic beverages are authorized; and

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

**WHEREAS**, no objection has been filed to the proposed Place-to-Place liquor license transfer; and

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

1. That the Township Council does hereby approve, effective March 14, 2023 the Place-to-Place Transfer (Expansion of Premises) of the aforesaid Plenary Retail Consumption License for ZMRA LLC t/a Mantoloking Road Alehouse, 247 Mantoloking Road, Brick, New Jersey, 08723.
2. That a certified copy of this Resolution shall be forwarded to:
  - a. Division of Alcoholic Beverage Control
  - b. Applicant

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

|          |         |
|----------|---------|
| Agenda # | Date    |
| 5-11b    | 3/14/23 |
| Agenda # | Date    |
| Agenda # | Date    |
| Agenda # | Date    |

**RESOLUTION**

**WHEREAS**, the Assistant Township Engineer has notified the Municipal Clerk by letter dated March 7, 2023 that there is \$4,173.08 remaining in the engineering inspection fund from the Board of Fire Commissioners District #2, PO Box 66, Brick, NJ 08723 for Folsom Fire House, 765 Midstreams Road (Block 903.11 Lot 9); 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 \$4,173.08 (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 \$4,173.08 (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 March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

| Agenda # | Date    |
|----------|---------|
| 5-120    | 3/14/23 |
| Agenda # | Date    |
| Agenda # | Date    |
| Agenda # | Date    |



**RESOLUTION**

**WHEREAS**, CT07 91 Brick Blvd., LLC, 399 Monmouth Street, East Windsor, NJ 08520 had posted a cash maintenance bond in the amount of \$20,625.00 for Parking Lot Improvements to Starbucks, 91 Brick Boulevard (Block 379.01 Lot 1) in the Township of Brick; and

**WHEREAS**, the Assistant Township Engineer, by letter dated March 7, 2023 has advised that the improvements have been completed and are acceptable; and

**WHEREAS**, the Assistant Township Engineer recommends that the cash maintenance bond in the amount of \$20,625.00 (plus interest if applicable) be returned to the applicant; and

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

1. That the cash maintenance bond in the amount of \$20,625.00 (plus interest if applicable) be returned to the applicant; and
2. That the Municipal Clerk forward certified copies of this resolution to the following:
  - a. Chief Financial Officer
  - b. Assistant Township Engineer
  - c. Applicant/Developer

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

| Agenda # | Date    |
|----------|---------|
| 5-12b    | 3/14/23 |
| Agenda # | Date    |
| Agenda # | Date    |
| Agenda # | Date    |

**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 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> |
|--------------------------------------|--------------------------|---------------|
| 36/18/C0001/100434<br>25 Cummins St. | Camp Osborne Condo Assoc | \$417.97      |

**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 March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

|          |         |
|----------|---------|
| Agenda # | Date    |
| 5-13a    | 3/14/23 |
| Agenda # | Date    |
| Agenda # | Date    |
| Agenda # | Date    |

**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments for the years 2018, 2019, and 2020 on Block 924, Lot 7, Account #517339, due to State Appeals being granted; and as the State Appeal reduces the assessment from 5,200,000 to 4,600,000 for 2018.

**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>           |
|------------------------------------|--------------|-------------------------|
| 924/7/517339<br>583 Princeton Ave. | Supor, Linda | \$13,584.00-2018        |
|                                    |              | \$13,914.00-2019        |
|                                    |              | <u>\$14,154.00-2020</u> |
|                                    |              | \$41,652.00             |

**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 March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

|          |         |
|----------|---------|
| Agenda # | Date    |
| 5-13b    | 3/14/23 |
| Agenda # | Date    |
| Agenda # | Date    |
| Agenda # | Date    |

**RESOLUTION**

**RESOLUTION FOR THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, APPOINTING NOMINEE TO FILL  
VACANCY ON THE TOWNSHIP COUNCIL**

**WHEREAS**, Councilwoman Lisa Crate resigned from her seat on the Brick Township Council on February 28, 2023, which created a vacancy on the Council; and

**WHEREAS**, State law establishes the procedure to fill such a vacancy in the "Municipal Vacancy Law," N.J.S.A. 40A:16-1 to -23; and

**WHEREAS**, the Municipal Vacancy Law, N.J.S.A. 40A:16-11, provides that the municipal committee of the political party of which the incumbent was the nominee shall, no later than 15 days after the occurrence of the vacancy, present to the governing body the names of three nominees for the selection of a successor to fill the vacancy; and

**WHEREAS**, the governing body shall, within 30 days after the occurrence of the vacancy, appoint one of the nominees as the successor to fill the vacancy; and

**WHEREAS**, in accordance with N.J.S.A. 40A:16-11, the Brick Democratic Municipal Committee has presented the names of three nominees to the Township Council for the selection of a successor, who are: (1) Melissa R. Travers; (2) Emma L. Mammano; (3) Erica L. Demaio; and

**WHEREAS**, the Township Council has considered the nominees and has determined to make a selection to appoint a successor to fill the vacancy from the list of nominees;

**NOW THEREFORE BE IT RESOLVED:**

1. That \_\_\_\_\_ is hereby appointed to fill the vacancy created on the Township Council by the resignation of Councilwoman Lisa Crate.
2. That \_\_\_\_\_ shall serve as a member of the Township Council until the expiration of Councilwoman Crate's term, which shall be December 31, 2023.
3. That \_\_\_\_\_ shall be sworn in to the office of member of the Township Council immediately.

**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 March 14, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 14<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

| Agenda # | Date    |
|----------|---------|
| 5-14     | 3/14/23 |
| Agenda # | Date    |
| Agenda # | Date    |
| Agenda # | Date    |

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP  
OF BRICK IN CHAPTER 324, "PEDDLING AND  
SOLICITING"

WHEREAS, Chapter 324 of the Township Code governs the licensing of mobile food vendors and currently limits the number of Class II mobile food vendor licenses to a total of seven (7) licenses; and

WHEREAS, the Governing Body desires to amend Chapter 324 to allow for an additional three (3) licenses, which would allow a total of ten (10) Class II mobile food vendor licenses;

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 324 of the Township Code of the Township of Brick entitled "Peddling and Soliciting" is hereby amended in Section 324-1, "Definitions," to amend the following definition (~~strikethroughs~~ deleted, underlined added):

CLASS II MOBILE FOOD VENDOR

Any person, whether a resident of the Township of Brick, in the County of Ocean, or not, who goes from house to house, from place to place or from street to street offering for sale prepared or packaged food, beverages and dairy products. A Class II mobile food licensee shall be required for each vehicle operating as a Class II mobile food vendor. A Class II mobile food vendor licensee shall not remain stationary in one location for a period of time in excess of 12 hours per any twenty-four-hour time period. For purposes of this section, a mobile food vendor shall be deemed to occupy a stationary location if the vendor remains within 200 feet of a location within the applicable time period. No more than ~~seven~~ ten (10) Class II mobile food vendor licenses shall be issued by the Township Clerk at any one time.

SECTION 2. Chapter 324 of the Township Code of the Township of Brick entitled "Peddling and Soliciting" is hereby amended in Section 324-7, "License Fees; Exemptions," to amend the following as indicated (~~strikethroughs~~ deleted, underlined added):

The number of Class II vendors operating within the Township at any one time is limited to ~~seven~~ ten (10). This number shall include Class II vendors licensed under this section ~~as well~~ but does not include veterans holding a special state license issued under the laws of the State of New Jersey. All persons seeking to operate as a Class II mobile food vendor shall ~~register with~~ obtain a license from the Township Clerk in order to verify that the permissible total number of ~~seven~~ ten (10) Class II vendors will not be exceeded.

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

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

NOTICE

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

LISA CRATE  
MAYOR

|      |         |
|------|---------|
| da # | Date    |
| 10-1 | 3/14/23 |
| da # | 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 673 Lot 44 FOR NO CONSIDERATION**

**WHEREAS** the owner of property known as Block 673, Lot 44 (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 673, Lot 44 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 14<sup>th</sup> day of March 2023, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 28<sup>th</sup> 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

|          |         |            |
|----------|---------|------------|
| agenda # | Date    | LISA CRATE |
| 6-2      | 3/14/23 | MAYOR      |
| agenda # | Date    |            |

**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

| Agenda # | Date    |
|----------|---------|
| 6-2      | 2-28-23 |
| 7-1      | 3/14/23 |
| Agenda # | Date    |
| Agenda # | Date    |

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.

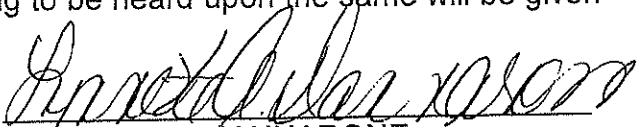
**SECTION 2.** All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

**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 28<sup>th</sup> 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 14<sup>th</sup> 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

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LISA CRATE  
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.

| Agenda # | Date    |
|----------|---------|
| 6-3      | 2-28-23 |
| 7-2      | 3/14/23 |
| Agenda # | Date    |
|          |         |

- 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 28<sup>th</sup> 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 14<sup>th</sup> 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

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LISA CRATE  
MAYOR