



**Brick Township Council**  
**Caucus/Public Meeting**  
**November 8, 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](http://www.bricktownship.net)).
3.
  - a. Roll Call.
  - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
  - c. Approve Minutes from October 24, 2023 Meeting.

**Consent Agenda**

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

4. Resolutions:
  - \_\_\_\_ 1. Authorize Amending 2023 Capital Budget.
  - \_\_\_\_ 2. Authorize Insertion of Chapter 159 – Ocean County Health Dept. Municipal Alliance Grant - 2023.
  - \_\_\_\_ 3. Authorize Insertion of Chapter 159 – U.S. Dept. of Health & Human Services – 2023 Federal Award - Community Project Funding.
  - \_\_\_\_ 4. Authorize Insertion of Chapter 159 – N.J. Dept. of Environmental Protection – 2023 Stormwater Assistance Grant.
  - \_\_\_\_ 5. Authorize Receipt of Bids – Fireworks Exhibitions.
  - \_\_\_\_ 6. Authorize Award of Contract and Rebid – Snow Removal Services.
  - \_\_\_\_ 7. Authorize Close Out Change Order #1 – 2021 Roadway Resurfacing Contract - Point Pleasant Manor Phase II.
  - \_\_\_\_ 8. Authorize Sale of Surplus Property – Municibid Online Auction.
  - \_\_\_\_ 9. Bond Releases/Reductions:
    - a. Performance Bond Release – Block 323.04, Lots 6 & 8.03.
    - b. Inspection Fund Release – Block 382, Lot 1.02.
    - c. Inspection Fund Release – Block 701, Lot 7.
  - \_\_\_\_ 10. Tax Collector:
    - a. 100% DAV/Widow of Veteran Deduction – Block 1192.02, Lot 31.
    - b. Tax Exemption – Block 673, Lot 44.

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

- \_\_\_\_ 11. Bill Resolution – Computer 2023.
- \_\_\_\_ 12. Bill Resolution – Manual 2023.

5. Ordinances on First Reading:
  - \_\_\_\_ 1. Bond Ordinance – Acquisition of Property for Open Space.
  - \_\_\_\_ 2. Amending Section 288-40 to Exclude Vehicles Over 4 Tons on Van Zile Road.

6. 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.**

7. Council Comments.

8. 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, November 21, 2023 at 7:00 p.m.**

RESOLUTION

WHEREAS, the Township of Brick desires to amend the 2023 capital budget of said municipality by inserting therein various projects; and

WHEREAS, the temporary capital budget was adopted at a meeting of the Township Council on February 14, 2023 and previously amended May 9, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Brick amend the 2023 capital budget as follows:

Section 1. The 2023 capital budget of the Township of Brick is hereby to be amended and constituted by the adoption of a schedule to read as follows:

Projects No. 1 thru 10  
Capital Budget of  
the Township of Brick  
County of Ocean, New Jersey

Projects Scheduled for 2023

	Project	Estimated Cost	Budget Appropriation	Capital Improvement Fund	General Bonds
1	Acquisition of Real Property for Open Space Preservation	\$ 390,000.00	\$ -	\$ 19,500.00	\$ 370,500.00
2	Motorized Equipment (Admin., DPW, Police, Rec., EMS)	\$1,640,645.00	\$ -	\$ 82,032.00	\$ 1,558,613.00
3	Non-Motorized Equipment	\$ 851,498.00	\$ -	\$ 42,575.00	\$ 808,923.00
4	Data Processing Technology (all departments)	\$ 473,900.00	\$ -	\$ 23,695.00	\$ 450,205.00
5	Police Equipment (non-data processing)	\$ 129,017.00	\$ -	\$ 6,451.00	\$ 122,566.00
6	Road Improvements	\$4,641,940.00	\$ -	\$ 232,097.00	\$ 4,409,843.00
7	Radio Infrastructure - Satellite Receiver	\$ 140,000.00	\$ -	\$ 7,000.00	\$ 133,000.00
8	Special Ops Building Buildout	\$ 173,000.00	\$ -	\$ 8,650.00	\$ 164,350.00
9	Dredge Slips 5000yds	\$ 450,000.00	\$ -	\$ 22,500.00	\$ 427,500.00
10	Acquisition of Real Property for Open Space Preservation	\$ 1,800,000.00	\$ -	\$ -	\$ 1,800,000.00
	Totals	\$10,690,000.00	\$ -	\$ 444,500.00	\$ 10,245,500.00

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2023 capital budget.

Agenda #	Date
41	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

## **CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on November 8, 2023

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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

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

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

**WHEREAS**, monies are available through the Ocean County Health Department in the amount of \$21,773.00 for the 2023 Municipal Alliance Grant;

**NOW, THEREFORE BE IT RESOLVED**, that the Township Council of the Township of Brick in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the additional revenue in the budget of 2023 in the amount of \$21,773.00, which is now available from the Ocean County Health Department – Municipal Alliance Grant – 2023.

**BE IT FURTHER RESOLVED** that the like sum of the \$21,773.00 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – Municipal Alliance Grant - 2023.

**BE IT FURTHER RESOLVED**, that the above is the result of funds received from the Ocean County Health Department – Municipal Alliance Grant in the amount of \$21,773.00.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on November 8, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November, 2023.

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

Agenda #	Date
42	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, that Township Council of the Township of Brick in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of 2023 in the amount of \$197,344.00 which is now available from the U.S. Department of Health and Human Services – Health Resources and Services Administration for the 2023 Federal Award – Community Project Funding / Congressionally Directed Spending – Construction in the amount of \$197,344.00.

**BE IT FURTHER RESOLVED** that the like sum of \$ 197,344.00 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – Community Project Funding / Congressionally Directed Spending – Construction in the amount of \$197,344.00.

**BE IT FURTHER RESOLVED**, that the above is the result of funds received from the U.S. Department of Health and Human Services – Health Resources and Services Administration for the 2023 Community Project Funding / Congressionally Directed Spending – Construction in the amount of \$197,344.00.

**CERTIFICATION**

I, Lynnette Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on November 8, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8th of November, 2023.

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

Agenda #	Date
4-3	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, that Township Council of the Township of Brick in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of 2023 in the amount of \$15,000.00, which is now available from the State of New Jersey – Department of Environmental Protection – Bureau of NJPDES Stormwater Permitting and Water Quality Management – 2023 Stormwater Assistance Grant.

**BE IT FURTHER RESOLVED**, that the like sum of 15,000.00 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – 2023 Stormwater Assistance Grant.

**BE IT FURTHER RESOLVED**, that the above is the result of funds received from the State of New Jersey – Department of Environmental Protection – Bureau of NJPDES Stormwater Permitting and Water Quality Management – 2023 Stormwater Assistance Grant in the amount of \$15,000.00.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on November 8, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November, 2023.

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

Agenda #	Date
4-4	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

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

**FIREWORKS EXHIBITIONS**

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

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

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on November 8, 2023.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-5	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

## RESOLUTION

**WHEREAS**, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick Snow Removal Services on Friday, October 27, 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 all responsive and responsible bidders being in full compliance with the bid specifications; and

**WHEREAS**, the Superintendent of Public Works desires to solicit new bids to add additional vendors to our pool.

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

1. That the contract for Snow Removal Services is hereby awarded to the following bidders in accordance with the attached schedule of prices:
  - AsphaSeal, 491 Wranglebrook Road, Manchester, NJ 08759
  - Glenside Equipment Company, Inc., P.O. Box 307, Farmingdale, NJ 07727
  - Marlin Construction Services, Inc., 442 Whitesville Road, Jackson, NJ 08527
  - New Gen Recycling, Inc., 1358 Hooper Avenue, Suite 365, Toms River, NJ 08753
2. That the exception submitted by New Gen Recycling, Inc. for three (3) hour notice for all start times is formally accepted by the Township.
3. That no other exceptions submitted by New Gen Recycling, Inc. are accepted by the Township.
4. That this contract shall not exceed \$950,000.00 per year and funds shall be certified prior to services being rendered. Sufficient funds are available under an appropriation entitled Snow Removal Rider, account T-03-56-870-302.
5. That the term of this contract shall be for an initial term of two (2) years commencing on November 11, 2023 with the option to renew for a third year and all hourly rates per vehicle shall be firm fixed for the duration of the initial contract.
6. 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.
7. That the Purchasing Agent is hereby authorized to advertise for the receipt of additional bids for Snow Removal Services.
8. That a certified copy of this resolution shall be forwarded to the vendors, Business Administrator, Chief Financial Officer, Superintendent of Public Works and the Purchasing Agent.

## CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on November 8, 2023.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November, 2023.

Agenda #	Date
4-6	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

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



**CLOSE OUT CHANGE ORDER #1**

**WHEREAS**, the Township of Brick previously awarded a contract to Earle Asphalt Company, P.O. Box 556, Farmingdale, NJ 07727 on July 12, 2022 for the project known as "Roadway Resurfacing Contract – Point Pleasant Manor, Phase II" for a total contract price in the amount of \$713,913.13; and

**WHEREAS**, Earle Asphalt Company has completed the project; and

**WHEREAS**, the Consulting Engineer, ARH Associates, has inspected the work and deemed the work to be complete; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.3 the Consulting Engineer has recommended the approval of Close-Out Change Order #1 decreasing the contract by (\$58,182.62) from \$713,913.13 to \$655,730.51 as a result of final as-built quantities; and

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

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

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

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

1. That the above-mentioned Change Order #1 is hereby approved decreasing the contract amount previously awarded to Earle Asphalt Company for Roadway Resurfacing Contract – Point Pleasant Manor, Phase II to \$655,730.51, refunding \$58,182.62 to Ordinance #11-21, account C-04-55-877-401.
2. That final payment to the contractor is hereby authorized to be made based upon the recommendation of the Consulting Engineer.
3. That the work performed the contractor for the project is hereby accepted by the Township of Brick.
4. That return of Performance and Payment Bond #K41539938 in the amount of \$713,913.13 to the contractor is authorized.
5. That the Township Clerk shall forward a certified copy of the resolution to the contractor, ARH Associates, Business Administrator, Township Engineer, Chief Financial Officer and the Purchasing Agent.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on November 8, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November, 2023.

Agenda # 47	Date 11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

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

**WHEREAS**, the Township of Brick has determined that the personal property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

**WHEREAS**, the Township of Brick intends to utilize the online auction services of Municibid, 395 Circle of Progress Drive, Suite D, Pottstown, PA 19464 with website located at [www.municibid.com](http://www.municibid.com); and

**WHEREAS**, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notices 2019-15 and 2021-18.

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

1. That the Township is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled [www.municibid.com](http://www.municibid.com).
2. That the auction shall be identified as "Auction 2023-3" and will comprise of various Police vehicles and other equipment.
3. That the terms and conditions of the agreement entered into between Municibid and the Township of Brick are available at [www.municibid.com](http://www.municibid.com).
4. That the auction will begin on Wednesday, December 6, 2023 at 8:00 a.m. and conclude on Wednesday, December 13, 2023 at 4:00 p.m.
5. That Township of Brick reserves the right to reject all bids if it determines such rejection to be in the public interest.
6. That in the event there are no bidders, unsold items will be automatically relisted for sale after the close of an online public auction.
7. That a certified copy of this resolution shall be forwarded to Municibid, Business Administrator, Chief of Police, Chief Financial Officer and the Purchasing Agent.

**CERTIFICATION**

I, LYNNETTE A. IANNARONE, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on November 8, 2023.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November, 2023.

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

Agenda #	Date
4-8	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Laurynas Borisevicius had posted a cash performance bond in the amount of \$11,443.20 for Elm Court (Block 323.04 Lot 6 & 8.03) in the Township of Brick; and

**WHEREAS**, the Assistant Township Engineer, by letter dated October 19, 2023 has advised that the improvements have been completed and are acceptable; and

**WHEREAS**, the Assistant Township Engineer recommends that the cash performance bond in the amount of \$11,443.20 (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 performance bond in the amount of \$11,443.20 (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 November 8, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November, 2023.

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

Agenda #	Date
4-9a	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Assistant Township Engineer has notified the Municipal Clerk by letter dated October 30, 2023 that there is \$52.43 remaining in the engineering inspection fund from Ferguson & McCann, Inc., 270 Bodley Road, Aston, PA 19014 for Wawa, 116 Brick Boulevard, Block 382 Lot 1.02; 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 \$52.43 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 \$52.43 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 November 8, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November, 2023.

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

Agenda #	Date
4-9b	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Assistant Township Engineer has notified the Municipal Clerk by letter dated October 30, 2023 that there is \$1,687.06 remaining in the engineering inspection fund from Delaware Valley Paving, Inc., 300 Pawlings Road, Phoenixville, PA 19460 for Brick Commons Shopping Center, 744 Route 70, Block 701 Lot 7; 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 \$1,687.06 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 \$1,687.06 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 November 8, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8<sup>th</sup> day of November, 2023.

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

Agenda #	Date
4-9C	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 1192.02, Lot 31 Account # 520850 as of 04-01-2023.

**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 04-01-2023 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1192.02/31/520850 14 Denby Court	Molner, Robert	\$2,722.85 – 2023

**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 November 8, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this 8th day of November, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

Agenda #	Date
4-10a	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick, is advising the Township Council that account # 412674 Block 673 Lot 44 is exempt from paying taxes due to the fact it has been acquired by The Township of Brick.

**WHEREAS**, the Tax Collector is requesting to cancel taxes as of October 1, 2022 and forward.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes as stated above.

<u>Block/Lot/Account#</u>	<u>Name</u>	<u>Amount</u>
673/44/412674 Route 70	Township of Brick	Exempt

**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 November 8, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 8th day of November, 2023.

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

Agenda #	Date
4-106	11/8/23
Agenda #	Date
Agenda #	Date
Agenda #	Date

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION  
AND PURCHASE 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 \$390,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF  
\$370,500 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 \$390,000, said amount being inclusive of a down payment in the amount of \$19,500 now available for said improvements or purposes as required by the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$390,000 appropriation not provided for by said down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in a principal amount not exceeding \$370,500 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 \$370,500 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 are for the acquisition and purchase of real property for open space preservation and conservation purposes,

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including, but not limited to, (i) real property consisting of 2.363± acres of vacant land designated as Block 1225, Lots 565, 567, 571 and 577, and Block 1386, Lot 1, on the Official Tax Map of the Township, and more commonly known as Herbertsville Road and Maple Avenue in the Township; and (ii) real property consisting of 0.60± acres, or 26,000± square feet, of vacant land designated as Block 1224, Lot 636, on the Official Tax Map of the Township, and more commonly known as Second Avenue in the Township (clauses (i) and (ii) above are hereinafter collectively referred to as the "Properties").

(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 \$370,500.

(d) The aggregate estimated cost of said improvements and purposes is \$390,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$19,500, which is the down payment available for said improvements or purposes.

**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 2 hereof, 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 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 budget 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 the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$370,500. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$40,000 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 the Properties and to negotiate an agreement of purchase and sale for the purchase of the Properties. 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 and purchase said Properties.

**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 and approval by the Mayor, 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 8<sup>th</sup> day of November, 2023, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 21<sup>st</sup> day of November, 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.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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LISA CRATE  
MAYOR

**TOWNSHIP OF BRICK  
COUNTY OF OCEAN, STATE OF NEW JERSEY**

**CERTIFICATE OF INTRODUCTION OF BOND ORDINANCE**

I, the undersigned Clerk of the Township of Brick, in the County of Ocean, State of New Jersey (the "Township"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Township Council of the Township duly called and held on November 8, 2023 at 7:00 p.m. at the Township's Municipal Building located at 401 Chambers Bridge Road in the Township, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Township Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this \_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

\_\_\_\_\_  
LYNNETTE A. IANNARONE,  
Township Clerk

## ORDINANCE

### AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK IN SECTION 288-40, TO EXCLUDE VEHICLES OVER 4 TONS FROM CERTAIN SECTIONS OF VAN ZILE ROAD

**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 288 of the Township Code of the Township of Brick entitled "Vehicles and Traffic" is hereby amended in Section 288-40, to add the following street, in an appropriate alphabetical location, to the schedule of streets where vehicles over four (4) tons are prohibited (underlined portions to be added; ~~strike-throughs~~ to be deleted):

#### **§288-40. Schedule X: Trucks Over Certain Weights Excluded**

In accordance with the provisions of §288-15, ~~trucks~~ commercial vehicles over four tons' gross vehicle weight are hereby excluded from the following described streets or parts of streets, unless otherwise exempt by law, except for the pickup and delivery of materials on such streets:

#### **Name of Street**

#### **Location**

Van Zile Road (Ocean  
County Route 42)

Between NJ Route 70 and Burnt Tavern Road  
(Ocean County Route 632)

**SECTION 2.** Upon the effective date of this Ordinance, the Department of Public Works is authorized and directed to install appropriate signage on the designated portions of Van Zile Road, as appropriate to give effect to this Ordinance.

**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 8<sup>th</sup> day of November, 2023, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 21st day of November, 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

*Revised*

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