



Brick Township Council
Caucus/Public Meeting
March 12, 2024
7:00 PM
Agenda No. 1

1. Call to order.
2. Adequate notice of this meeting was provided and published in the Asbury Park Press and The Ocean Star on January 12, 2024. 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 the February 27, 2024 Meeting.
 - d. Presentations:
 1. Brick Memorial High School Girls Soccer Team.
 2. Budget Presentations:
 - a. Administration.
 - b. EMS.
 - c. Police Department.

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 Cancellation of Grant – 2022 Pumpout Boat.
 - _____ 2. Authorize Receipt of Bids – Liquid Deicing Agent.
 - _____ 3. Authorize Rejection of Bids – Police Dept. Special Operations Garage – Mechanical/HVAC/Plumbing Installation.
 - _____ 4. Authorize Award of Contract Purchase & Delivery of Janitorial Supplies.
 - _____ 5. Authorize Award of Contract – Chemical Turf Maintenance.
 - _____ 6. Authorize Motor Vehicle Sales License – Shore Auto World, LLC.
 - _____ 7. Tax Collector:
 - a. 100% DAV/Widow of Veteran Deduction – Block 990.01, Lot 12.
 - b. 100% DAV/Widow of Veteran Deduction – Block 1192.02, Lot 7.
 - c. Tax Exemption – Block 1224, Lot 636.
 - d. Tax Overpayment 2022 – Block 44.12, Lot 2.
 - e. Tax Overpayment 2023 – Block 44.12, Lot 2.
 - f. Tax Overpayments 2024 – Block 842, Lot 27; Block 1192.02, Lot 128.

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

- _____ 8. Bill Resolution – Computer 2024.
- _____ 9. Bill Resolution – Manual 2024.
5. Ordinance on First Reading.
 - _____ 1. Amending Chapter 288-52 to Authorize Police Department to Enforce Title 39 Motor Vehicle Regulations in Private Property Areas.
 - _____ 2. Amending Chapter 86 to Authorize Issuance of a Non-Profit Theater Consumption License.
6. Ordinance on Second Reading.
 - _____ 1. Amending Chapter 225 to Establish Requirements and Fees Applicable to Lead Paint Inspections for Rental Properties.
7. Public Comments.
Please note that each person addressing the Council during any section of the meeting during which public comment is permitted shall limit his/her remarks to five minutes pursuant to Brick Township Administrative Code Section 2 -33B.
8. Council Comments.
9. Motion to Adjourn.
And any other matters which may come before Council.
Formal Action may be taken at all meetings.

Next scheduled Caucus/Public Meeting will be held on Monday, March 25, 2024 at 7:00 p.m.

RESOLUTION
Authorization to Cancel Grant Appropriated Reserves and Receivables

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

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

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

The Grants Receivable balance as reflected below is hereby canceled:

2022 Pumpout Boat	(to Appropriated Reserves)	\$8,582.46
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The Appropriated Reserve balance as reflected below is hereby canceled:

2022 Pumpout Boat	(to Grants Receivable)	\$8,582.46
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A certified copy of this resolution is to be forwarded to the Chief Financial Officer.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the forgoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick on March 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of March, 2024.

 LYNNETTE A. IANNARONE
 TOWNSHIP CLERK

4-1	3/12/24
Agenda #	Date

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the Purchase and Delivery of Liquid Deicing Agent on Tuesday, February 27, 2024; and

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

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

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

1. The Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned service.
2. The Division of Purchasing and Contracting is hereby authorized to advertise for bid for the Purchase and Delivery of Liquid Deicing 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 March 12, 2024.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-2	3/12/24
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the Brick Township Police Department Special Operations Garage – Mechanical/HVAC/Plumbing Install on Wednesday, February 21, 2024; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(a) the Consulting Engineer hereby recommends the rejection of the bid in its entirety due to the bid substantially exceeding the contracting unit's cost estimates for the project.

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 bid submitted for the Brick Township Police Department Special Operations Garage – Mechanical/HVAC/Plumbing Install is hereby rejected in its entirety pursuant to N.J.S.A. 40A:11-13.2(a).
2. That the Division of Purchasing and Contracting is hereby authorized to return any and all bid securities submitted by bidders pursuant to N.J.S.A. 40A:11-24.
3. That the Township Clerk shall further forward a certified copy of this resolution to the vendor, Colliers Engineering and Design, Business Administrator, Chief Financial Officer, Township Engineer, 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 March 12, 2024.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-3	3/12/24
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for the Purchase and Delivery of Janitorial Supplies on February 13, 2024; and

WHEREAS, the bids have been reviewed by the Superintendent of Public Works and Supervisor of Buildings & Grounds; and

WHEREAS, the Superintendent and Supervisor have recommended the award of said bid to the lowest responsive and responsible bidders on a per item basis 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 follow:

1. The contract for the Purchase and Delivery of Janitorial Supplies is hereby awarded to the following vendors in accordance with the attached schedule of prices:
 - Central Poly-Bag Corp., 2400 Bedle Place, Linden, NJ 07036
 - CooperFriedman Electric Supply Co., Inc. dba Cooper Electric, 315 Cranbury Half Acre Road, Cranbury, NJ 08512
 - General Linen & Paper Supply, 2104 Bridge Avenue, Point Pleasant, NJ 08742
 - Imperial Bag & Paper Co., LLC, 255 Route 1 + 9, Jersey City, NJ 07306
 - Plastic Express, Inc., 667 Lehigh Avenue, Union, NJ 07083
 - Term Enterprise, Inc., t/a Allen Paper & Supply Company, 85 Franklin Road, Suite 7B, Dover, NJ 07801
 - Unipak Corp., P.O. Box 332, West Long Branch, NJ 07764
 - W.B. Mason Co., Inc., 300 Prospect Plains Road, Cranbury, NJ 08512
2. That this contract shall be for two (2) years beginning March 13, 2024 and ending on March 12, 2026 with prices remaining firm fixed through the duration of the contract.
3. That this contract shall not exceed \$45,000.00 per year with funds to be certified prior to each order. Sufficient funds are available pending adoption of the 2024 and future budgets under the appropriations entitled:
 - Buildings and Grounds – Janitor., Laundry & Hou. Mn, account 4-01-26-310-252
 - Buildings and Grounds – Maintenance, account 4-01-26-310-254
 - Vehicle Maintenance – Janitorial Supplies, account 4-01-26-315-252
 - Maintenance of Parks – Janitor., Laundry & Hou. Mn, account 4-01-28-375-252
 - Beach & Boardwalk Ops – Janitor., Laundry, & Hou. Mn, account 4-01-28-380-252
 - Recreation Rider – Special Events, account T-03-56-862-218
 - Recreation Rider – Summerfest Expenses, account T-03-56-862-299
 - Recreation Rider – B&G Maintenance Supplies, account T-03-56-862-254
 - Senior Services – Office Materials & Supplies, account 4-01-27-331-253
4. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
5. That a copy of this resolution shall be forwarded to the vendors, Business Administrator, Chief Financial Officer, Superintendent of Public Works, Superintendent of Recreation, Director of Senior Services and Purchasing Agent.

Agenda # 44	Date 3/12/24
Agenda #	Date
Agenda #	Date
Agenda #	Date

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on March 12, 2024.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for Chemical Turf Maintenance on Friday, February 16, 2024; and

WHEREAS, the bid has been reviewed by the Superintendent of Public Works; and

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

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

1. That the contract for Chemical Turf Maintenance is hereby awarded to TruGreen, 5003 Industrial Road, Farmingdale, NJ 07727 as per the attached schedule of prices.
2. That this will be a two (2) year contract commencing on March 25, 2024 and ending on March 24, 2026.
3. That this is a unit price bid not to exceed \$70,000.00 for the contract period with funds to be certified prior to each application. Sufficient funds are available pending adoption of the 2024 and future budgets under an appropriation entitled Maintenance of Parks – Outside Contractors, account 4-01-28-375-291.
4. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
5. That a copy of this resolution shall be forwarded to the vendor, Business Administrator, Chief Financial Officer, Superintendent of Public Works and Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on March 12, 2024.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this the 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-5	3/12/24
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

RESOLUTION FOR THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AWARDDING A MOTOR VEHICLE SALES LICENSE TO SHORE AUTO WORLD, LLC, 459 BRICK BLVD.

WHEREAS, Shore Auto World, LLC, with a location at 459 Brick Blvd., Brick, NJ, Block 547, Lot 19, has made application for a license to operate a business for the selling of motor vehicles, pursuant to Chapter 466 of the Township Code; and

WHEREAS, the Township has reviewed the application for a motor vehicle sales license and has found it to be in proper form and the proper fee has been collected; and

WHEREAS, Code Enforcement, Zoning Department and Fire Bureau have inspected the aforesaid premises and have found it to be in compliance with Township ordinances.

WHEREAS, the Township desires to approve the application on the terms set forth herein;

NOW, THEREFORE, be it resolved by the Council of the Township of Brick, County of Ocean, State of New Jersey as follows:

1. The application of Shore Auto World, LLC, located at 459 Brick Blvd., Brick, NJ, Block 547, Lot 19, for a Motor Vehicle Sales license, is hereby approved, subject to the following conditions stipulated by the Brick Township Zoning Officer, Engineer and Fire Bureau:
 - a. The paved portion of the lot must be re-stripped in accordance with the Bureau of Fire Prevention and the Engineering Department.
 - b. All fire lanes must be maintained as proposed on an approved plan submitted to the Engineering Department.
 - c. The rear unpaved area of the lot must be maintained with a dust free and durable surface.
 - d. A zoning and engineering application must be submitted for the installation of a gravel surface at the rear of the property where there will be parking of vehicles. The gravel surface must conform to the Township's specifications.
 - e. A 15-foot buffer must be maintained at all times from the existing wooded area as outlined on the submitted survey.
2. The Township Clerk is authorized to provide a certified true copy of this Resolution to Shore Auto World

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on March 12, 2024.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of March, 2024.

Agenda #	Date
4-6	3/12/24
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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 990.01, Lot 12 Account # 518162 as of 12-01-2023.

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 12-01-2023 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
990.01/12/518162 116 LEONE DRIVE	CALMON, THOMAS	\$630.50 – 2022 <u>\$1,855.90 – 2023</u> \$2,486.40

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 March 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-7a	3/12/24
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 7 Account # 520826 as of 04-02-2023.

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 04-02-2023 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1192.02/7/520826 9 BROWNING COURT	DIBENEDETTO, RUSSELL	\$2,685.04 – 2023 <u>\$831.70 - 2024</u> \$3,516.74

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 March 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-76	3/12/24

RESOLUTION

WHEREAS, Kelly Napolitano, Tax Collector for the Township of Brick, is advising the Township Council that account # 622860 Block 1224 Lot 636 is exempt from paying taxes due to the fact it has been acquired by The Township of Brick on January 31, 2024.

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

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

<u>Block/Lot/Account#</u>	<u>Name</u>	<u>Amount</u>
1224/636/622860 2ND AVE.	TOWNSHIP OF BRICK	

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 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-7C	3/12/24
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

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

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

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
44.12/2/100793 303 Bay Lane	Saccente, Theresa	\$250.00

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 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-7d	3/12/24
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>
44.12/2/100793 303 Bay Lane	Saccente, Theresa	\$125.00

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 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-7e	3/12/24
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 2024.

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>
842/27/414908 1710 W. Princeton Ave.	CoreLogic Refunds Dept	\$1,695.51
1192.02/128/520947 17 Robinson Road	Leo A Case Family Trust	\$710.90

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 12, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 12th day of March, 2024.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
47F	3/12/24
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 IN SECTION 288-52 TO ADD LOCATIONS FOR THE POLICE DEPARTMENT TO ENFORCE MOTOR VEHICLE REGULATIONS ON PRIVATE PROPERTY

WHEREAS, when the owner of property located outside of a public right-of-way desires to authorize the Police Department to enforce the provisions of Title 39 of the New Jersey Statutes, which pertain to motor vehicle laws, on such property, the owner must request authorization; and

WHEREAS, THE SITES SET FORTH BELOW HAVE APPLIED TO THE Township for authorization of Title 39 enforcement in private property areas; and

WHEREAS, the sites have all been inspection by the Division of Engineering to ensure that traffic signs and markings are properly installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD); and

WHEREAS, this ordinance will authorize the police to enforce motor vehicle regulations, but the Township will have no liability or obligation for site maintenance;

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 288 of the Township Code of the Township of Brick entitled "Vehicles and Traffic" is hereby amended in Section 288-52 entitled "Private Areas," to add the following locations, in an appropriate alphabetical location:

§288-52. Schedule XXII: Private Areas.

In accordance with the provisions of §288-27, regulations are hereby established for the following areas. Plot plans of the area are on file at the office of the Municipal Clerk and are hereby made a part of these regulations:

<u>Area</u>	<u>Location</u>
Brick Gardens	2747 Hooper Avenue Block 673, Lot 3
Car Lot	949 Burnt Tavern Road Block 1108, Lot 6
Church	236-242 Brick Boulevard Block 382.20, Lots 66 and 72
Coffeehouse	91 Brick Boulevard Block 379.01, Lot 5
Contractor's Office	670 Mantoloking Road Block 311.01, Lot 34
Convenience Store	1900 Route 88 Block 868.01, Lot 16.03
Cummins Street	Entire Length
Gas Station & Convenience	1 Lanes Mill Road Block 1446.03, Lot 4
Marina	501 Route 35 South Block 23, Lot 1.06
Office Complex	74-80 Brick Boulevard

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	Block 380.19, Lot 1.02
Office Space	635 Duquesne Boulevard Block 446.19, Lot 7
Supermarket	778 Route 70 Block 702, Lot 30.01

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 take effect after record 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 the first reading at a meeting of the Township Council of the Township of Brick held on the 12th day of March, 2024, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 25th day of March, 2024 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

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 86 ENTITLED "ALCOHOLIC
BEVERAGES" TO AUTHORIZE THE ISSUANCE OF A
NONPROFIT THEATER CONSUMPTION LICENSE**

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 86 of the Township Code of the Township of Brick entitled
"Alcoholic Beverages" is hereby amended in Section 86-1 to add a new subsection D,
which shall read as follows:

§ 86-1 Number and Types of Licenses.

D. Nonprofit theater consumption license pursuant to and meeting the
conditions of N.J.S.A. 33:1-19.8 for a nonprofit corporation with a premises with a
seating capacity of 50 persons or more but less than 1,000 persons that is primarily
used to conduct musical or theatrical performances or concerts.

SECTION 2. Chapter 86 of the Township Code of the Township of Brick entitled
"Alcoholic Beverages" is hereby amended in Section 86-6 to add a new subsection I,
which shall read as follows:

§ 86-6 Fees.

I. The annual license fee for a Nonprofit Theater Consumption License shall
be \$250.

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 12th day of March, 2024, and will be considered for
second reading and final passage at a regular meeting of the Township Council to be held
on the 25th day of March, 2024 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.

Agenda #	Date
5-2	3/12/24
Agenda #	Date
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LYNNETTE A. IANNARONE
TOWNSHIP CLERK

LISA CRATE
MAYOR

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING CHAPTER 225 TO ESTABLISH
REQUIREMENTS AND FEES APPLICABLE TO LEAD PAINT INSEPTIONS
FOR RENTAL PROPERTIES IN ACCORDANCE WITH P.L. 2021, C.182.**

WHEREAS, on July 22, 2022, P.L. 2021, C 182, N. J. S.A. 52:27D-437.16, et. seq., went into effect requiring periodic inspections of all non-exempt rental dwellings constructed prior to 1978 for the lead-based paint hazards and to receive a lead-safe certification; and

WHEREAS, P.L. 2021, C. 182 authorizes municipalities to perform lead-based paint inspections and to establish fees applicable for those inspections; and

WHEREAS, adoption of this Ordinance is intended to implement P.L. 2021, C. 182 and regulations codified in N. J. S. A. 52:27D-437.16, et. seq., and N. J. A. C. 5:28A.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of Township of Brick, County of Ocean, State of New Jersey that Chapter 225 is hereby amended to establish requirements and fees applicable to lead paint inspections for rental properties.

SECTION 1. The Township Council of the Township of Brick does hereby amend Chapter 225 to adopt Article V captioned "Lead Based Paint Hazards" and to establish regulations and fees applicable to lead paint inspections for rental properties in accordance with P.L. 2021, C.182, N.J.S.A. 52:27D-437.16, et. seq. The amendments to Article 225 shall read as follows:

**ARTICLE V
Lead Based Paint Hazards**

§ 225-28. Statutory Authority.

This article is enacted pursuant to P.L. 2021, c. 182, and shall be interpreted and enforced to the same extent as that legislation, any amendments, or supplements thereto, the companion regulations set forth at N.J.A.C. 5:28A-1.1 et seq., and other associated regulatory or judicial authority.

§ 225-29. Definitions.

For the purposes of this article, the following words and terms have the meanings set forth below, unless the context clearly indicates otherwise:

DCA — The New Jersey Department of Community

Affairs. DOH — The New Jersey Department of Health.

DUST WIPE SAMPLING — A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development ("HUD") and as conducted pursuant to N.J.A.C. 5:28A-2.3.

DWELLING — A building containing a room or rooms, or suite, apartment, unit, or space, that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

DWELLING UNIT — A unit within a building that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

INTERIM CONTROLS — A set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs, or the term as it defined pursuant to 42 U.S.C. § 4851b and the regulations adopted pursuant thereto.

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LEAD ABATEMENT — A set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards adopted pursuant to N.J.A.C. 5:17.

LEAD ABATEMENT CONTRACTOR — A firm certified by DCA to perform remediation through lead abatement or interim control work pursuant to N.J.A.C. 5:17.

LEAD ABATEMENT WORKER — An individual certified by the New Jersey Department of Health to perform lead abatement work pursuant to N.J.A.C. 8:62.

LEAD EVALUATION CONTRACTOR — A firm certified by DCA to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17. This includes the ability to perform dust- wipe sampling.

LEAD INSPECTOR/RISK ASSESSOR — An individual certified by DOH to perform lead inspection and risk assessment work pursuant to N.J.A.C. 8:62. This includes the ability to perform dust wipe sampling.

LEAD-BASED HAZARD CONTROL METHODS — Interim control as defined above.

LEAD-BASED PAINT — Paint or other surface coating material that contains lead in excess of 1.0 milligram per centimeter squared or in excess of 0.5% by weight, or such other level, as may be established by federal law.

LEAD-BASED PAINT HAZARD — Any condition that causes exposure to lead from lead- contaminated dust or lead-contaminated paint that is deteriorated or present on surfaces that would result in adverse human health effects.

LEAD-FREE — That a dwelling has been certified to have no lead-based paint or has undergone lead abatement in accordance with N.J.A.C. 5:17.

LEAD-FREE CERTIFICATION — The certification issued pursuant to N.J.A.C. 5:28A, which confirms that a periodic lead-based paint inspection was performed and that no lead-based paint hazards were found.

LEAD-SAFE — That a dwelling has been found to have no outstanding lead-based paint hazards but does not mean that the dwelling is certified as lead-free.

MULTIPLE DWELLING — 1) Any building or structure and any land appurtenant thereto and any portion thereof in which three or more dwelling units are occupied or intended to be occupied by three or more persons living independently of each other; 2) any group of 10 or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two dwelling units are occupied, or intended to be occupied, by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. Buildings or structures excluded pursuant to N.J.S.A. 55:13A-3(k) are not included in this definition.

PERIODIC LEAD-BASED PAINT INSPECTION — The initial inspection of all applicable dwelling units at the earlier of two years from the effective date of P.L. 2021, c.182 (July 22, 2022), or tenant turnover, and thereafter the earlier of three years or upon tenant turnover, consistent with N.J.A.C. 5:28A-2.1, for the purposes of identifying lead-based paint hazards in dwellings subject to this article.

REMEDIATION — Interim controls or lead abatement work undertaken in conformance with this article and N.J.A.C. 5:28A to address lead-based paint hazards.

TENANT TURNOVER — The time at which all existing occupants vacate a dwelling unit, and all new tenants move into the dwelling unit, or the time at which a new tenant enters a vacant dwelling unit.

VISUAL ASSESSMENT — A visual examination for deteriorated paint or visible surface dust, debris, or residue, and as conducted pursuant to N.J.A.C. 5:28A-2.3 and this article.

§ 225-30. Required inspections.

- A. Initial inspections. At tenant turnover, or within two years of July 22, 2022 (the effective date of P.L. 2021, c. 182), whichever is sooner, every single-family, two-family, and multiple rental dwelling subject to this article located within the Township shall be inspected for lead- based paint hazards.
- B. Periodic inspections. After the initial inspection, all dwelling units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant

turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification for the dwelling unit. Periodic lead-based paint shall be counted from the most recent periodic lead-based paint inspection which resulted in a valid lead-safe certification.

- C. Dwelling owners or landlords may satisfy the requirements of this section by hiring a lead evaluation contractor certified to provide lead paint inspection services by the Department of Community Affairs ("DCA").

§ 225-41. Method of inspection.

- A. Visual assessments. Periodic lead-based paint inspections may be performed through visual assessment if, according to the central lead screening database maintained by DOH, or other data deemed appropriate by DOH, the Township of Brick is a municipality in which less than 3% of children tested, six years of age or younger, have a blood lead level greater than or equal to five ug/dL.
 - (1) Pursuant to N.J.A.C. 5:28A-2.3(a)1, for visual assessments, dwellings must be examined in accordance with the guidelines and regulations promulgated by the United States Department of Housing and Urban Development ("HUD") set forth at 42 U.S.C. § 4851b for deteriorated paint or visible surface dust, debris, or residue on all painted building components, especially any walls, window, trim, and surfaces that experience friction or impact.
- B. Dust wipe sampling. Dust wipe sampling is required if, according to the central lead screening database maintained by DOH, or other data deemed appropriate by DOH, the Township of Brick becomes a municipality in which 3% or more of children tested, six years of age or younger, have a blood lead level greater than or equal to five u.g/dL, or if different, the level set forth at N.J.S.A. 52:27D-437.16.
 - (1) Pursuant to N.J.A.C. 5:28A-2.3(b)1, dust wipe sampling must be performed by the collection of samples from the wiping of representative surfaces, including floors, interior windowsills, and other similar surfaces, and tested in accordance with methods approved by HUD.
 - (2) Pursuant to N.J.A.C. 5:28A-2.3(b)2, a visual assessment, conducted in accordance with Subsection A, may be undertaken during a dust wipe sampling.

§ 225-32. Remediation; certification.

- A. If an inspection determines that a lead-based paint hazard exists, then the owner of the dwelling unit must remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods approved in accordance with the provisions of the Lead Hazard Control Assistance Act, N.J.S.A. 52:27D-437.1 et seq. A follow-up inspection is required to certify that the hazard has been properly remediated.
 - (1) If hazard controls are employed, the follow-up inspection must be conducted using dust wipe sampling. If the follow-up inspection shows that the hazard is no longer present, the unit must be certified as lead-safe pursuant to the lead-safe certification requirements set forth in N.J.A.C. 5:28A-2.4.
 - (2) If abatement is utilized, and a lead abatement clearance certificate has been issued in accordance with N.J.A.C. 5:17, then the lead-free certificate issued at the final clearance inspection shall exempt the dwelling from future periodic lead-based paint inspections.
 - (3) To the extent dust wipe sampling is required as part of the remediation process, the owner must have such testing performed by a licensed contractor.
- B. If an inspection determines that no lead-based paint hazard exists or following remediation of a lead-based paint hazard, the Township shall certify the dwelling unit as lead-safe on a form prescribed by DCA. This certification shall be valid for two years. If the inspection was conducted by a lead evaluation contractor, the contractor must provide a copy of the lead-safe certificate to the owner and the

Township.

- C. If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two or three dwelling units, then the remainder of the building's dwelling units shall be inspected for lead hazards, except for dwelling units that have been certified to be free of lead-based paint. These additional inspections are subject to fees.
- D. If an inspection determines that a lead-based paint hazard exists, then the Township or its designee shall notify the Commissioner of DCA.

§ 225-33. Exemptions.

The following dwelling units in a single-family, two-family, or multiple rental dwelling are not subject to inspection and evaluation for the presence of lead-based paint hazards:

- A. Dwelling units that have been certified to be free of lead-based paint pursuant to N.J.A.C. 5:17.
- B. Dwelling units constructed during or after 1978.
- C. Single-family and two-family seasonal rental dwellings rented for less than six months in duration each year by tenants that do not have consecutive lease renewals.
- D. Multiple rental dwelling units constructed prior to 1978 that have been registered with the DCA for at least 10 years and have no outstanding paint violations from the most recent cyclical inspection performed on the dwelling pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq. and N.J.A.C. 5:10.
 - (1) All multiple dwelling units constructed prior to 1978 that have been registered with the DCA for at least 10 years and that have a current certificate of inspection issued by DCA.
 - (2) All multiple dwelling units constructed prior to 1978 that have been registered with DCA for at least 10 years with open inspections that have no violations for paint.
- E. Dwelling units in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed under the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.
- F. Dwellings that have a valid lead-safe certification issued in accordance with this article and N.J.A.C. 5:28A. Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-2.4.

§ 225-34. Enforcement.

- A. The Division of Code Enforcement is charged with enforcing the provisions of this article. In carrying out this function, the Division may consult with all appropriate federal, state, county, and local agencies concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in such dwellings, methods of detection of lead in such dwellings, and standards for the repair of such dwellings concerning lead paint.
- B. Compliance with this chapter is a precondition to obtaining a rental certificate of occupancy pursuant to Article II of Chapter 225.

§ 225-35. Fees.

- A. In cases where visual inspections are sufficient pursuant to § 225-41A, the inspection fees are as follows:
 - (1) Inspections conducted as part of the rental certification process under Article II of Chapter 225: \$25, plus an additional \$20 per unit inspected for deposit

into the Lead Hazard Control Assistance Fund established pursuant to N.J.S.A. 52:27D-437.4. The \$20 surcharge does not apply where the unit owner demonstrates that the DCA has already assessed such a surcharge pursuant to N.J.S.A. 52:27D-437.10.

- (2) Other inspections: \$50, plus an additional \$20 per unit inspected for deposit into the Lead Hazard Control Assistance Fund established pursuant to N.J.S.A. 52:27D-437.4. The \$20 surcharge does not apply where the unit owner demonstrates that the DCA has already assessed such a surcharge pursuant to N.J.S.A. 52:27D-437.10.
- B. Inspection fees charged for dwellings units in a common interest community are the responsibility of the unit owners, not homeowners' associations, unless the dwellings are association-owned.
 - C. Fees collected must be dedicated to covering the costs of implementing and enforcing this article and must not be used for any other purpose.

§ 225-36. Recordkeeping.

- A. The Division of Code Enforcement shall maintain a record of all dwellings subject to this article, including all current information on inspection schedules, inspection results, and tenant turnover.
- B. The Division of Code Enforcement shall also maintain a record of all lead-safe certifications issued pursuant to this article and all lead-free certifications issued pursuant to N.J.A.C. 5:17. Any time a lead evaluation contractor performs the inspection, the lead evaluation contractor must provide to the Division of Code Enforcement copies of any lead-safe certifications issued.
- C. Owners of dwellings subject to this chapter shall comply with the recordkeeping requirements imposed pursuant to N.J.A.C. 5:28A-3.1.

§ 225-37. Investigations; violations and penalties.

- A. The Division of Code Enforcement is authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with this article.
- B. Offending owners have 30 days to cure any violation by conducting the required inspection or initiating any required remediation efforts.
- C. If the dwelling owner has not cured the violation or initiated remediation efforts within 30 days, the owner shall be subject to a penalty of \$1,000 per week until the required inspection has been conducted or the remediation efforts have been initiated.
- D. For the purposes of this provision, remediation efforts are deemed to have been initiated when the owner has hired a lead abatement contractor or other qualified party to perform lead hazard control methods.
- E. Failure to conduct the required inspection, or remediate a lead-based paint hazard, shall constitute a violation of the International Property Maintenance Code adopted pursuant to Article I of Chapter 225, and any unpaid penalties imposed for such violations may be assessed as liens against the subject property pursuant to § 225-11.

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

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

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Brick held on the 27th day of February 2024, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 12th day of March 2024 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