

**Brick Township Council**  
**May 9, 2017**  
**Caucus/Public Meeting**  
**7:00 PM**  
**Agenda No. 1**

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press on January 13, 2017. 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)). At this time please silence or turn off your cell phone.
3.
  - a. Roll Call.
  - b. Salute to the Flag/Pledge of Allegiance led by Eagle Scout Matt Kielt/Moment of Silence.
  - c. Approve Minutes of April 11, 2017 Meeting.
  - d. Presentation: Matt Kielt – Eagle Scout Project.

**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. Recognize Older Americans' Month – May.
- \_\_\_2. Recognize Public Service Recognition Week – May 7<sup>th</sup> – 13<sup>th</sup>.
- \_\_\_3. Authorization to Cancel Grant Appropriated Reserves and Receivables.
- \_\_\_4. Authorize Insertion of Chapter 159 – Ocean County Tourism Local Arts Grant – 2017.
- \_\_\_5. Authorize Insertion of Chapter 159 - Teen Center of Brick Grant – 2017.
- \_\_\_6. Authorize Insertion of Chapter 159 – Recreational Opportunities for Individuals with Disabilities Grant – 2016.
- \_\_\_7. Authorize Receipt of Bids – Ambulance Repairs.
- \_\_\_8. Authorize Receipt of Bids – Vehicle Collision and Body Repairs.
- \_\_\_9. Authorize Award of Bid – Purchase & Installation of Heating/Cooling Improvements to Booking/Briefing Room.
- \_\_\_10. Authorize Award of Bid – Janitorial Services.
- \_\_\_11. Authorize Rejection of Bids – Vacant & Abandoned Property Services.
- \_\_\_12. Authorize Award of Bid – CDBG Housing Rehabilitation Program Project #15-04.
- \_\_\_13. Authorize the Affordable Housing Trust Fund Spending Plan and the Adopted Fair Share Plan and Housing Plan Element.
- \_\_\_14. Authorize Execution of Agreement with BPU – Direct Install Program.
- \_\_\_15. Designate Official Newspapers for Public Notices.
- \_\_\_16. Prohibit Smoking at 2017 Township Sponsored Events.
- \_\_\_17. Authorize Placement of Tax Liens for Property Clean-ups.
- \_\_\_18. Authorize Special Events Permit – Pet Adoption Day.
- \_\_\_19. Authorize Special Events Permit – Bike Ride.
- \_\_\_20. Authorize Special Events Permit – Soldiers Not Forgotten.
- \_\_\_21. Authorize Waiver of the Pedestrian Safety Fund – Pioneer Hose.
- \_\_\_22. Tax Collector:
  - a. 100% DAV Refund & Cancel Taxes – Block 383.02 Lot 57 – 358 Lake Shore Dr.
  - b. 100% DAV Refund & Cancel Taxes – Block 1151.06 Lot 17 – 292 Van Ave.
  - c. Tax Overpayments – 2016.
- \*\*\*\*\***End of Consent Agenda**\*\*\*\*\*
- \_\_\_23. Bill Resolution – Computer 2017.
- \_\_\_24. Bill Resolution – Manual 2017.

5. Ordinance on Second Reading:

- \_\_\_1. Amend Chapter 245 – Affordable Housing.

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.**

**RESOLUTION**

**WHEREAS**, the month of May 2017 has been designated throughout the nation as Older Americans Month; and

**WHEREAS**, Brick Township has a sizeable population of older Americans with more than 18,000 residents over the age of 60; and

**WHEREAS**, the theme for this year's observation is "Age Out Loud" which focuses attention on giving older Americans a new voice and focusing on what today's older adults have to say.

**WHEREAS**, the Township of Brick provides its seniors with the Senior Services and Recreational programming and is committed to helping all individuals live longer, healthier lives.

**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 urge all citizens to join us in celebrating Older Americans Month and both recognizing and celebrating the contributions of our older generations.
2. We further urge all citizens to make a commitment to this year's theme by helping to amplify the many voices of older Americans and raise awareness of vital aging issues across the country.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-1	5/9/17
Agenda #	Date
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Agenda #	Date

**RESOLUTION**

**WHEREAS**, Public Service Recognition Week is observed from May 7<sup>th</sup> through the 13<sup>th</sup>, 2017 to honor the Federal, State, County and local government employees; and

**WHEREAS**, public employees are engineers and educators, military service members and social workers, police officers and administrative professionals and their individual and collective contributions improve the quality of life for countless groups and individuals; and

**WHEREAS**, the professionalism and proficiency of public employees have a lasting effect on every aspect of our lives including but not limited to our health, infrastructure, commerce, environment and safety; and

**WHEREAS**, in our day to day lives, and in challenging times, public employees demonstrate an untiring commitment to the people and communities that they serve.

**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 join Mayor John G. Ducey in saluting the public employees of The Township of Brick and throughout the county, state and nation.
2. We urge all residents to give thanks for the vital service that these individuals provide to our community.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-2	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**Authorization to Cancel Grant Appropriated Reserves and Receivables**

**WHEREAS**, certain balance sheet items remain outstanding, uncollectable, 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 balances as reflected below are hereby canceled:

OC Recycling Grant 2013 (to fund balance)	\$31,150.00
Cops in Shops 2016 (to fund balance)	400.00
Homeland Security 2016 (to fund balance)	38.26
Seawood Harbor Grant (to fund balance)	<u>15,753.42</u>
	<u>\$47,341.68</u>

The Appropriated Reserve balances as reflected below are hereby canceled:

Recycling Bonus Grant (to fund balance)	<u>\$14.00</u>
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A certified copy of this resolution is to be forwarded to the Chief Financial Officer.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-3	5/9/17
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 2017 in the amount of \$750.00 which is now available from the County of Ocean – Ocean County Tourism Advisory Council – OC Tourism Local Arts Grant – 2017.

**BE IT FURTHER RESOLVED** that the like sum of \$750.00 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – OC Tourism Local Arts Grant - 2017.

**BE IT FURTHER RESOLVED**, that the above is the result of funds received from the County of Ocean – Ocean County Tourism Advisory Council – OC Tourism Local Arts Grant in the amount of \$750.00.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda # 4-4	Date 5/9/17
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 2017 in the amount of \$25,000.00 which is now available from the Ocean Partnership for Children, Inc. (OPC) – Teen Center of Brick Grant – 2017.

**BE IT FURTHER RESOLVED** that the like sum of \$25,000.00 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – Teen Center of Brick - 2017.

**BE IT FURTHER RESOLVED**, that the above is the result of funds received from the Ocean Partnership for Children, Inc. (OPC) – Teen Center of Brick Grant in the amount of \$25,000.00.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-5	5/9/17
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 2017 in the amount of \$20,000.00 which is now available from the New Jersey department of Community Affairs – Recreational Opportunities for Individuals with Disabilities Grant – 2016.

**BE IT FURTHER RESOLVED** that the like sum of \$20,000.00 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – Recreational Opportunities for Individuals with Disabilities – Handicapped ROID Grant 2016.

**BE IT FURTHER RESOLVED**, that the above is the result of funds received from the New Jersey department of Community Affairs – Recreational Opportunities for Individuals with Disabilities – Handicapped ROID Grant 2016.

**C E R T I F I C A T I O N**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda # 4-6	Date 5/9/17
Agenda #	Date
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Agenda #	Date

**RESOLUTION**

**AUTHORIZATION TO BID**

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

**AMBULANCE REPAIRS**

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

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

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 the 9th day of May, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9th day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-7	5/9/17
Agenda #	Date
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Agenda #	Date



**RESOLUTION**

**AUTHORIZATION TO BID**

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

**VEHICLE COLLISION AND BODY REPAIRS**

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

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

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 the 9th day of May, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9th day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	5	Date	5/9/17
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Agenda #		Date	

**RESOLUTION**

**WHEREAS**, Sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for **Purchase and Installation of Heating / Cooling Improvements to Booking / Briefing Room** on Friday, April 28, 2017; and

**WHEREAS**, the bids have been reviewed by the Deputy Chief; and

**WHEREAS**, the Deputy Chief hereby recommends award for Purchase and Installation of Heating / Cooling Improvements to Booking / Briefing Room to the lowest responsive responsible being, that being Jersey State Controls, 1105 Industrial Parkway, Brick, NJ 08724.

**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 Purchase and Installation of Heating / Cooling Improvements to Booking / Briefing Room is hereby awarded to Jersey State Controls, 1105 Industrial Parkway, Brick, NJ 08724 in the total amount of \$12,995.00.
2. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto.
3. A copy of this resolution shall be forwarded to Jersey State Controls, Business Administrator, Chief Financial Officer, Police Chief, Deputy Chief and the Purchasing Agent.
4. 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.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-9	5/9/17
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Agenda #	Date

**RESOLUTION**

**WHEREAS**, Sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for **Janitorial Services** on Friday, April 21, 2017; and

**WHEREAS**, the bids have been reviewed by the Purchasing Agent; and

**WHEREAS**, the Purchasing Agent has recommended the award of said bid to the lowest responsive and responsible bidder being in full compliance of the bid specification; and

**WHEREAS**, the Purchasing Agent has found that All Clean Building Services, Inc., 990 Spruce Street, Lawrenceville, NJ 08648 as the lowest responsive and responsible bidder in full compliance within the Administrative Requirements, Technical Specifications and References.

**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 for Janitorial Services is hereby awarded to All Clean Building Services, Inc., 990 Spruce Street, Lawrenceville, NJ 08648.
2. That this bid will be two (2) one (1) year contracts commencing on June 1, 2017 at a rate not to exceed \$83,713.90 per contract year.
3. That the Division of Purchasing and Contracting is hereby authorized to return any and all bid securities submitted by any unsuccessful bidders pursuant to N.J.S.A. 40A11-24.
4. That a copy of this resolution shall be forwarded to All Clean Building Services, Inc., Business Administrator, Chief Financial Officer, Director of Public Works and the Purchasing Agent.
5. 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.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 the 9<sup>th</sup> day of May, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-10	5/9/17
Agenda #	Date
Agenda #	Date
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## RESOLUTION

**WHEREAS**, the Division of Purchasing and Contracting received bids for the Vacant and Abandoned Property Services on Thursday, February 23, 2017; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-13.2(c) the Governing Body hereby recommends the rejection of bid in its entirety due to the contracting unit has decided to abandon the project.

**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 bid submitted for Vacant and Abandoned Property Services is hereby rejected in its entirety pursuant to N.J.S.A. 40A:11-13.2(c).
2. That the Township Clerk shall further forward a certified copy of this resolution to Borgers, Sauders, Taylor & Associates, Business Administrator, Construction Official, Chief Financial Officer and the Purchasing Agent.

## CERTIFICATION

I, Jessica L. Larney, Assistant 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 the 9<sup>th</sup> day of May, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-11	5/9/17
Agenda #	Date
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**RESOLUTION**

**WHEREAS**, Sealed bids were received by the Division of Land Use of the Township of Brick for the **Community Development Block Grant, Housing Rehabilitation Program, Project # 15-04**, on March 30, 2017; and

**WHEREAS**, the bids have been reviewed by the Township Planner; and

**WHEREAS**, the Township Planner 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 BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY**, as follows:

1. That the bid for the **Community Development Block Grant, Housing Rehabilitation Program, Project # 15-04** is hereby awarded to **NDP Construction, LLC, 200 White Road # 207, Little Silver, N.J. 07739** for a total bid amount of \$23,270.00.
2. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of contract, which shall be available for public examination in the Office of the Township Clerk during normal business hours.
3. That the Township Clerk shall further forward a certified copy of this resolution to **NDP Construction, LLC, Business Administrator, Township Planner, Chief Financial Officer and the Purchasing Agent.**

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-12	5/9/17
Agenda #	Date
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**Resolution of Approval of the  
Township of Brick Affordable Housing Trust Fund Spending Plan  
and the March 15<sup>th</sup>, 2017 Adopted Township of Brick  
Fair Share Plan and Housing Plan Element**

**WHEREAS**, the Township of Brick first petitioned COAH for substantive certification on February 1, 1993 and received prior approval to maintain an affordable housing trust fund on February 3, 1993; and

**WHEREAS**, on June 28, 2005, the Township authorized the filing of a motion with the Superior Court of New Jersey seeking an extension of the Second Round Sustentative Certification to December 20, 2005; and

**WHEREAS**, on December 16, 2008, the Township of Brick authorized the adoption of the Housing Element of the Master Plan as the Township's Revised Third Round Fair Share Plan and authorized submission of the same to the Court in accordance with the Township compliance for declaratory judgment for repose confirming that the Township has satisfied its obligation under the Fair Housing Act. In addition, the Township adopted a revised Development Fee Ordinance in compliance with N.J.A.C. 5:94-6.6(a) and 6.7 (a) on April 19, 2005; and

**WHEREAS**, on December 4<sup>th</sup> of 2015, the Township adopted its third Fair Share and Housing Element of the Master Plan to demonstrate compliance with all prior and the current round of affordable housing compliance in accordance with N.J.A.C. 5:93:3-4; and

**WHEREAS**, in July of 2015, the Township received a Declaratory Judgement motion which provided a judicial determination that The Township's Housing Element and Fair Share Plan satisfies its fair share of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

**WHEREAS**, the Township was granted immunity by the Court from exclusionary zoning lawsuits; and

**WHEREAS**, the Township worked with Philip B. Caton, PP, FAICP, the court appointed Master, to arrive at the Township's Third Round Obligation numbers and negotiate mechanisms at which the Township will pursue compliance under the Third Round time frame which ends in 2025; and

**WHEREAS**, the Township worked with the Court Master, Phil Caton, PP, FAICP and the Fair Share Housing Center who acted as an intervener; and

**WHEREAS**, the Township of Brick Council authorized a settlement agreement with the Fair Share Housing Center *December 30, 2016*; and

**WHEREAS**, the Township of Brick Planning Board adopted a Fair Share and Housing Plan Element on March 22, 2017 in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.);and

**WHEREAS**, this Spending Plan outlines all anticipated revenues and expenditures addressing affordable housing for the years 2015 through 2025.

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Master Plan and Fair Share Plan and Housing Element is attached herein; and

**WHEREAS**, the Township Council approved the Settlement Agreement on December 30<sup>th</sup>, 2016 that established a Present Need (Rehabilitation Component) = 189 Units, Prior Round (1987-1999) Obligation = 930 Units and Third Round (1999-2025) Obligation = 1,133 Units with a 105 Unit RDP; and

**WHEREAS**, the Township received initial approval of its Development Fee ordinance from COAH on April 13, 1993 and the Township adopted a revised Development Fee Ordinance in compliance with N.J.A.C. 5:94-6.6(a) and 6.7 (a) on April 19, 2005; and

**WHEREAS**, the approved Development Fee ordinance establishes an Affordable Housing Trust Fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, and proceeds from the sale of affordable units; and

**WHEREAS**, N.J.A.C. 5:97-8.1(d) requires a municipality with an Affordable Housing Trust Fund to receive approval of a Spending Plan from COAH and/or the DCA prior to spending any of the funds in its housing trust fund; and

**WHEREAS**, N.J.A.C. 5:97-8.10 requires a Spending Plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

A description of the administrative mechanism that the municipality will use to collect and distribute revenues;

A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;

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5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

**WHEREAS**, the Township has complied with every requirement needed for approval of its Spending Plan as originally proposed through June of 2025;

**NOW THEREFORE BE IT RESOLVED** on this 9<sup>th</sup> day of May, 2017, by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, that:

1. The Township Council hereby approves of the Township of Brick Fair Share Plan and Housing Element adopted by the Township Planning Board on March 15<sup>th</sup>, 2017.
2. The Township Council hereby approves the 2017 Affordable Housing Spending Plan of the March 15<sup>th</sup>, 2017 Adopted Housing Element and Fair Share Plan.
3. The Township Council submits this 2017 Affordable Housing Spending Plan of the March 15<sup>th</sup>, 2017 Adopted Housing Element and Fair Share Plan to the Court Master for review and approval.
4. The Township Council hereby requests that the Court Master review and approve the 2017 Affordable Housing Spending Plan of the March 15<sup>th</sup>, 2017 Adopted Housing Element and Fair Share Plan for the Township of Brick.

#### CERTIFICATION

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

**RESOLUTION**

**AUTHORIZING PARTICIPATION IN THE DIRECT INSTALL PROGRAM  
FUNDED BY THE BPU**

**WHEREAS**, the Direct Install Program was developed and funded by the BPU and allows New Jersey Municipalities to upgrade to high efficiency equipment within the specified venue to reduce energy and save money; and

**WHEREAS**, it is the desire of the Director of Public Works to install new interior and exterior LED lighting, replace the cooling system and replace garage heating units at the DPW Facility; and

**WHEREAS**, the Township of Brick has been approved to participate in the Direct Install Program; and

**WHEREAS**, the Township is eligible to participate in the program at a total cost of \$151,164.71 as quoted by Hutchinson Mechanical Services; and

**WHEREAS**, the New Jersey Clean Energy Program funded by the BPU will pay \$105,815.30 (70%) and the Township will be responsible for the remaining balance of \$45,349.41 (30%) which will be payable in thirty-six (36) monthly installments at zero percent (0%) financing directly to New Jersey Natural Gas via Township utility invoices; and

**WHEREAS**, the Direct Install Program is a first come first serve basis as per the BPU and the Township is required to complete the Participation Agreement and send it to the New Jersey Clean Energy Program to be eligible for funding.

**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 Mayor is authorized and the Clerk to attest to an agreement with the BPU for participation in the Direct Install Program.
2. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the Office of the Township Clerk during normal business hours.
3. That a certified copy of this resolution shall be forwarded to NJ Clean Energy Program, BPU, Business Administrator, Chief Financial Officer, Director of Public Works and the Purchasing Agent.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

Agenda #	Date
4-14	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK



**RESOLUTION**

**RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, DESIGNATING OFFICIAL NEWSPAPERS FOR PUBLIC NOTICES**

**WHEREAS**, the laws of the State of New Jersey, in particular N.J.S.A. 35:1-2.2, require public bodies to designate an official newspaper to publish resolutions or notices of advertisements of any kind that are required to be published; and

**WHEREAS**, the Township Council desires to designate *The Ocean Star* newspaper, a qualified publication under N.J.S.A. 35:1-2.2, to be the official newspaper of the Township of Brick; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-7 *et seq.*, has also declared it to be the public policy of New Jersey to ensure the right of its citizens to have adequate advance notice of and the right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon; and

**WHEREAS**, under the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-8, a public body must designate a second newspaper to receive and publish certain meeting notices, in addition to the official newspaper, which have the greatest likelihood of informing the public within the area of jurisdiction of the public body; and

**WHEREAS**, the Township Council desires to designate *The Asbury Park Press* newspaper as the second newspaper to receive notices required by law to be published by a second newspaper;

**NOW, THEREFORE, BE IT RESOLVED:**

1. *The Ocean Star*, Point Pleasant Beach, is hereby designated as the official newspaper of the Township of Brick, in accordance with N.J.S.A. 35:1-2.2.
2. *The Asbury Park Press*, Neptune, is hereby designated as a second newspaper to receive notices of meetings and solicitations for proposals, when necessary, in addition to the official newspaper, as required under the Open Public Meetings Act, N.J.S.A. 10:4-8.
3. The Township Clerk shall forward a certified copy of this Resolution to *The Ocean Star* and to the *Asbury Park Press*.

**CERTIFICATION**

I, Jessica L. Larney, Assistant Township Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council held on May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of the Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-15	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the Township of Brick wishes to promote and enhance the healthy and wholesome environment of its events by ensuring safe enjoyment of these events by all individuals, especially children, by prohibiting smoking at Windward Beach and Township Parks during such events; and

**WHEREAS**, the Township Council of the Township of Brick therefore desires to prohibit smoking during Township Events such as the SummerFest Concert Events, Kids Night Out, Movies in the Park, Fall Fest and the Farmer's Market; and

**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 there shall be no smoking at Windward Beach or Township Parks during the 2017 event series including but not limited to SummerFest Concert Events, Kids Night Out, Movies in the Park, Fall Fest and the Farmer's Market; and
2. That the Business Administrator, Recreation Director or Chief of Police may at their discretion may prohibit smoking when it is deemed necessary to ensure the safe enjoyment of such event; and
3. The Township Clerk is hereby directed and authorized to send copies of this resolution to the Business Administrator, Chief of Police and the Recreation Director.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-16	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE CERTIFICATION OF THE DIRECTOR OF PUBLIC WORKS CONCERNING ADDITIONAL COSTS INCURRED IN THE REMOVAL OF DEBRIS AND CLEANING UP OF THE PROPERTY LOCATED AT MULTIPLE BLOCKS/LOTS AND AUTHORIZING THE PLACEMENT OF A LIEN AGAINST SAID PROPERTIES FOR SAID COSTS.**

**WHEREAS**, in accordance with the provisions of N.J.S.A. 40:65-12 and Chapter 331, specifically Section 331-5 through 331-9, of the Township Code of the Township of Brick, the Township of Brick removed debris and cleaned up the property located at

**12 Johnson Street – Block 873/Lot 9 - \$1,172.81**

after duly-giving notice to the property owner of said property pursuant to Chapter 56; and

**WHEREAS**, the Director of Public Works has certified the costs incurred by the Township in removing the debris and cleaning up the aforementioned property; and

**WHEREAS**, the total additional costs incurred by the Township for the removal of the debris and cleaning up the property, as certified by the Director of Public Works, are

**12 Johnson Street – Block 873/Lot 9 - \$1,172.81**

**WHEREAS**, Chapter 331 of the Township Code, in accordance with N.J.S.A. 40:65-12, et seq. authorizes the governing body to have a lien placed against the subject property for the costs incurred by the Township in the removal of the debris from the subject premises and cleaning up the property, together with interest at the same rate as other taxes as set forth in N.J.S.A. 40:48-2.14.

**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 Mayor and Township Council do hereby formally accept and approve the certification submitted by the Director of Public Works for the removal of debris and cleaning up the property located at

**12 Johnson Street – Block 873/Lot 9 - \$1,172.81**

2. That the Mayor and Township Council do hereby direct the Tax Collector to place an assessment against the subject property in accordance with this resolution.
3. That a copy of the certified costs incurred by the Township in removing the debris and cleaning up the property, together with a copy of the resolution, shall be forwarded to the owner of the property by certified mail.
4. That a certified copy of this resolution be forwarded to the Tax Collector and to the Code Enforcement Officer.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9th day of May, 2017.

Agenda #	Date
4-17	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

**RESOLUTION**

**WHEREAS**, St. Raphael the Archangel, 1520 Route 88 West, Brick, NJ 08724 has applied for a special event permit to conduct a Pet Adoption Day Event on Saturday, May 20, 2017 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

**WHEREAS**, the Mayor and Council desire to approve St. Raphael's request for special event application to conduct a Pet Adoption Day Event on Saturday, May 20, 2017 with the conditions and restrictions detailed below.

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

**SECTION 1.** That St. Raphael's request for special event application to conduct a Pet Adoption Day Event on Saturday, May 20, 2017 between the hours of 8:00 am and 4:00 pm at 1520 Route 88 West with the conditions and restrictions as follows:

1. All fire lanes shall remain open and accessible at all times.
2. Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
3. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

**SECTION 2.** That a copy of this Resolution shall be provided to the Chief of Police, the Township Planner and St. Raphael's.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-18	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, the National MS Society, 1480 US Hwy. 9 N, Suite 301, Woodbridge, NJ 07095 has applied for a special event permit to conduct a 2017 "Coast the Coast" Bike MS Ride Event on Saturday, May 20, 2017 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

**WHEREAS**, the Mayor and Council desire to approve the National MS Society's request for special event application to conduct a 2017 "Coast the Coast" Bike MS Ride Event on Saturday, May 20, 2017 with the conditions and restrictions detailed below.

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

**SECTION 1.** That the National MS Society's request for special event application to conduct a Bike Ride Event on Saturday, May 20, 2017 between the hours of 10:30 am and 12:30 pm at Route 35 South with the conditions and restrictions as follows:

1. All fire lanes shall remain open and accessible at all times.
2. Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
3. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

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

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-19	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Neil Zirin, 34 Lanes Mill Road, Brick, NJ 08724 has applied for a special event permit to conduct a Soldiers Not Forgotten Live Concert Event on Sunday, July 23, 2017 in accordance with Chapter 393 of the Code of the Township of Brick; and

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

**WHEREAS**, the Mayor and Council desire to approve Neil Zirin's request for special event application to conduct a Soldiers Not Forgotten Event on Sunday, July 23, 2017 with the conditions and restrictions detailed below.

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

**SECTION 1.** That Neil Zirin's request for special event application to conduct a Soldiers Not Forgotten Event on Sunday, July 23, 2017 between the hours of 2:00 pm and 6:00 pm at 34 Lanes Mill Road with the conditions and restrictions as follows:

1. All fire lanes shall remain open and accessible at all times.
2. All electric to be from building, properly utilized and secured from tripping hazards unless a permit is obtained for portable generator use.
3. Event area must be coned or barricaded off to prevent vehicles from driving through that area.
4. Applicant will provide an adequate number of sanitary facilities (bathrooms) for the number of persons present. If temporary portable facilities are utilized at least one portable facility will be handicap accessible. All temporary facilities shall be serviced to maintain them in a sanitary condition.
5. Issuance of a special events permit does not relieve the applicant from complying with permits required under other New Jersey statues or municipal ordinances including, but not limited to, construction permits required under the Uniform Construction Code NJAC 5:23 or permits required under the Uniform Fire Code N.J.A.C. 5:70.

**SECTION 2.** That a copy of this Resolution shall be provided to the Chief of Police, the Township Planner and Neil Zirin.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda # 4-20	Date 5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Township of Brick Ordinance 245-39.1 requires the installation of curbs and sidewalks along all street frontages, or a payment in lieu of constructing such curbs and sidewalks as a condition of applications for development approved by the Brick Planning Board or Zoning Board of Adjustment; and

**WHEREAS**, Pioneer Hose Company is currently undertaking an addition at Block 645 Lot 37.01, also known as 312 Drum Point Road in the Township of Brick; and

**WHEREAS**, Said addition had been approved by the Brick Township Planning Board on December 9, 2015, granting a waiver from the provision of curbs and sidewalks on Firehouse Road and Johnson Road due to their limited pedestrian access, while requiring the construction of curbs and sidewalks on Drum Point Road; and

**WHEREAS**, Pioneer Hose Company is requesting a waiver from the payment in lieu of contribution to be made to the Pedestrian Safety Fund for not constructing curbs and sidewalks on the above named roads; and

**WHEREAS**, The Township Council recognizes that Pioneer Hose Company as a nonprofit organization that provides the Township and its residents with vital emergency and fire protection services and;

**WHEREAS**, It is the desire of the Township Council to waive the in lieu of contribution to the Township's Pedestrian Safety Fund for Pioneer Hose Company for this project.

**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 in lieu of contribution to the Township's Pedestrian Safety Fund for the approved project located at Block 645 Lot 37.01, also known as 312 Drum Point Road in the Township of Brick be waived for the reasons set forth in this Resolution.
2. That a copy of this resolution be given to the Pioneer Hose Company, the Township Engineer and the Planning Board.

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
421	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV has been granted on Block 383.02, Lot 57, Account # 309131, 358 Lake Shore Dr. as of December 13, 2016.

**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 December 13, 2016 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
383.02/57/309131 358 Lake Shore Dr.	Mennuti, Gregory & Joan	\$ 3,156.41

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-22a	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date



**RESOLUTION**

**WHEREAS**, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV has been granted on Block 1151.06, Lot 17, Account # 521300, 292 Van Ave. as of March 29, 2017.

**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 March 29, 2017 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1151.06/17/521300 292 Van Ave.	Hasbrouck, Craig & Patricia	\$ 2,028.70

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda # 4-226	Date 5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

**RESOLUTION**

**WHEREAS**, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2016.

**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>
42.04/14/100517 14 Ocean Front Terr.	Luing, Leenne	\$ 8,936.22
252.17/9/209649 35 Perry Dr.	Wells Fargo Real Estate Tax	\$3,686.03

**CERTIFICATION**

I, Jessica L. Larney, Assistant 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 May 9, 2017.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 9<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
JESSICA L. LARNEY  
ASSISTANT TOWNSHIP CLERK

Agenda #	Date
4-22c	5/9/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

ORDINANCE

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT THE AFFORDABLE HOUSING PROVISIONS OF CHAPTER 245 PART 2 ARTICLE V OF THE CODE OF THE TOWNSHIP OF BRICK ENTITLED "AFFORDABLE HOUSING"

WHEREAS, on July 2, 2015 the Township of Brick ("Township") filed a declaratory judgment action, in accordance with procedures established by the New Jersey Supreme Court in In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (*Mount Laurel IV*), seeking a determination that it is in compliance with its constitutional affordable housing obligations under the *Mount Laurel Doctrine* and the Fair Housing Act of 1985, N.J.S.A. 53:27D-301 et seq.

WHEREAS, on December 30, 2016 the Township entered into a Settlement Agreement with Intervenor Fair Share Housing Center which provides, among other things, for mechanisms for the Township to address its affordable housing obligation; and

WHEREAS, one mechanism agreed to by the Parties under the Settlement Agreement, endorsed by the Special Master and accepted by the Court in entering a Conditional Order of Compliance on January 27, 2017, is for the Township to adopt a set-aside ordinance providing for an inclusionary zoning requirement on future multifamily development of ten (10) or more units in the Township developed through planning board approval, zoning board approval, or a redevelopment or rehabilitation plan provided such set-aside requirement does not convey to a property owner or applicant any right to develop multi-family housing by entitlement or variance or impose any obligation on the part of the Township or its land use boards and agencies to approve any such application,

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

SECTION 1. Chapter 245 Part 2 Article V. of the Code of the Township of Brick entitled "Land Use Regulations" is hereby amended, revised, and supplemented in accordance with the provisions of this ordinance.

SECTION 2. A new § 245-42.1 is hereby adopted as follows:

§ 245-42.1 Affordable Housing Set-Aside

A. Requirements for Affordable Housing in Multifamily Residential Developments. All development approvals for new multi-family residential development in the Township shall include a set-aside for affordable housing as described herein.

(1) Purpose. The purpose of these provisions is to supplement Section 245-42 to provide for affordable housing in new multifamily developments in accordance with a Conditional Order of Compliance entered on January 27, 2017 and the Brick Township Housing Plan Element and Fair Share Plan, as adopted by the Brick Township Planning Board on March 22, 2017 and endorsed by the Brick Township Council on April 25, 2017.

(2) Applicability. The requirement for the mandatory provision of affordable housing as set forth in this Section shall apply to all new applications for land use approvals, made after the effective date of this Section, for multifamily residential developments of ten (10) or more units, including applications for use or density variances, site plans, or subdivisions, and applications for land use approvals made pursuant to new or amended redevelopment plan adopted after the effective date of this Section pursuant to a finding of an area in need of redevelopment or rehabilitation. These provisions shall likewise govern substantial revisions to previously approved developments. A substantial revision to a development approval shall, for the purposes of these affordable housing regulations, be any revision that increases the number of multifamily residential units by ten (10) or more units.

(3) Definition of Multifamily. For the purposes of this Section, multifamily residential development shall mean residential development comprising ten (10) or more dwelling units, including, but not limited to, dwelling units that are located one over another, garden apartments, townhouse developments, multistory apartment or condominium buildings, and mixed-use developments containing a combination of non-residential and residential uses.

(4) Set-Aside Requirements for Multifamily Development. All development approvals for multifamily residential development shall provide an affordable housing set-aside of fifteen (15) percent of the residential units in a rental development and twenty (20) percent of the residential units in a for-sale

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Agenda #	Date
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development. At least 50 percent of the affordable units in each development shall be affordable to low-income households including 13 percent in rental developments affordable to very-low-income households


- (a) When the required set-aside results in a number that is not a whole number, the set-aside requirement shall be rounded to the closest whole number.
- (b) At the developer's option, or per the terms of a developer or redeveloper agreement with the Township, the developer may provide a greater affordable housing set-aside than required by this Section.
- (c) A developer of a multi-family residential development may not intentionally avoid the requirements of this Section by, for example, subdividing a project into two lots and then make each of them a number of units just below the threshold.
- (d) A developer of a multi-family residential development may provide a payment-in-lieu-of-construction to fund the construction of affordable housing required by this Section on another site within the Township. The amount of the contribution shall be calculated in accordance with N.J.A.C. 5:97-6.4(c)5.
- (e) The set-aside requirement of this Section shall not be interpreted to convey upon any property owner or applicant the right to develop multi-family housing by entitlement or variance nor shall it be construed to impose any obligation on the part of the Township or its land use boards and agencies to approve any such application.
- (f) Provision of affordable housing units in accordance with this Section shall otherwise comply with the requirements for affordable housing set forth in this Article V.

**SECTION 3.** Severability. If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**SECTION 4.** Effective date. This ordinance shall take effect upon final passage and approval, filing with the Ocean County Planning Board, 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 11th day of April, 2017 and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 9<sup>th</sup> day of May, 2017 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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JOHN G. DUCEY  
MAYOR