

**Brick Township Council
June 27, 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). At this time please silence or turn off your cell phone.
3.
 - a. Roll Call.
 - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
 - c. Approve Minutes of May 9, 2017.
 - d. Presentations:
 1. Police Promotion.
 2. Swearing of Police Chaplain

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. Acceptance of the 2016 Audit.
 - ___2. Authorize Receipt of Bids – Storage Building at Drum Point Sports Complex.
 - ___3. Authorize Change Order No. 1- Final 2016 Local Paving Program- Seaview Meadows.
 - ___4. Authorize Change Order No. 2 – Final 2016 Local Paving Program- Northern Cedarcroft.
 - ___5. Authorize Award of Proposal Traffic Engineer.
 - ___6. Authorize Award of Re-Bid Mobile Food Vendor.
 - ___7. Authorize Award of Bid SummerFest Food Vendor - Pizza.
 - ___8. Authorize Agreement with Homes Now, Inc.
 - ___9. Authorize Extension of Affordable Housing Restrictions on Certain Specified Properties.
 - ___10. Authorize Suspension of Noise Ordinance – BMHS Marching Band.
 - ___11. Authorize Special Events Permit – Dogfest.
 - ___12. Authorize Special Events Permit – Lacrosse Tournament.
 - ___13. Authorize Placement of Tax Liens for Property Clean-ups.
 - ___14. Bond Releases/Reductions:
 - a. Inspection Fund Release – Lake Real Estate/Alex Harstein – Burnt Tavern Rd.
 - b. Performance Bond Release- Darcy Kane – Route 35 So.
 - c. Performance Bond Release- Matthew & Meghan Presutti - Route 35 So.
 - d. Performance Bond Release- Auto Zone - Brick Plaza.
 - ___15. Tax Collector:
 - a. Tax Overpayments – 2017.
 - b. State Tax Appeal Granted – Block 875 Lot 2.01 – 32 Johnson St.
- *******End of Consent Agenda*******
- ___16. Bill Resolution – Computer 2017.
 - ___17. Bill Resolution – Manual 2017.

5. Ordinance on First Reading:

- ___1. Amend Chapter 276 – Massage Establishments.

6. Ordinances on Second Reading:

- ___1. Bond Ordinance – 5 Year Life.
- ___2. Bond Ordinance – 7 Year Life.
- ___3. Bond Ordinance – 10 Year Life.
- ___4. Bond Ordinance – 15 Year Life.
- ___5. Amend Chapter 245 – Signs.
- ___6. Amend Chapter 245 – Land Use – Microbreweries.

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.

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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 of the Township Council will be on Tuesday, July 11, 2017 at 7:00 p.m.**

RESOLUTION

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, That the Township Council of the Township of Brick, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

Agenda # 4-1	Date 6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

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 project:

STORAGE BUILDING AT DRUM POINT SPORTS COMPLEX

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

1. That the Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above mentioned project.
2. That the Consulting Architect for the project, Barlo Governale & Associates Is hereby authorized to prepare formal bid specifications for the above mentioned project.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on the 27th day of June, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-2	6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

Change Order Resolution No. 1 - Final

WHEREAS, it has come to the attention of the Governing Body of the Township of Brick that a Change Order representing as built quantity adjustment is needed to successfully complete the **2016 Local Paving Program - Seaview Meadows Project**; and

WHEREAS, in accordance with N.J.S.A. 5:30 14.4, the Business Administrator has recommended that Change Order No. 1 - Final be authorized and that the contract issued to **Lucas Construction Group, Inc., P.O. Box 8939, Red Bank, NJ 07701** be decreased by \$58,713.03 and the contract be commensurately decreased from \$638,460.00 to \$579,746.97.

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 Change Order No. 1 Final is hereby authorized as stated above.
2. That a certified copy of this resolution shall be forwarded to Lucas Construction, Business Administrator, ARH Associates, Township Engineer, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 27th day of June, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-3	6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

Change Order Resolution No. 2 - Final

WHEREAS, it has come to the attention of the Governing Body of the Township of Brick that a Change Order representing as built quantity adjustment is needed to successfully complete the **2016 Local Paving & Drainage Program – Northern Cedarcroft Project, Ord. 8-13** and

WHEREAS, in accordance with N.J.S.A. 5:30 14.4, the Business Administrator has recommended that Change Order No. 2 - Final be authorized and that the contract issued to **Earle Asphalt Company, P.O. Draw 556, Farmingdale, NJ 07727** be decreased by \$69,487.05 and the contract be commensurately decreased from \$636,945.63.00 to \$567,458.58.

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 Change Order No. 2 Final is hereby authorized as stated above.
2. That a certified copy of this resolution shall be forwarded to Earle Asphalt, Business Administrator, ARH Associates, Township Engineer, Chief Financial Officer and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 27th day of June, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-4	6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, on June 13, 2017 the Township Council authorized the Business Administrator to conduct negotiations for Summerfest Food Vendor for Category 1: Pizza in accordance with N.J.S.A. 40A:11-5(3)(a) after failing to receive bids on two separate occasions ; and

WHEREAS, The Rolling Dough, 1113 Bradford Drive, Point Pleasant, N.J. 08742 has agreed to the original bid specifications; and

WHEREAS, the Business Administrator requests that the Township enter into a contract for the above mentioned service with The Rolling Dough.

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 2017 Summerfest Food Vendor for Category 1: Pizza is hereby awarded to The Rolling Dough, 1113 Bradford Drive, Point Pleasant, N.J. 08742.
2. That The Rolling Dough has submitted a check made payable to the Township of Brick in the amount of \$840.00.
3. 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.
4. That a copy of this resolution shall be forwarded to The Rolling Dough, Business Administrator, Chief Financial Officer, Director of Recreation and the Purchasing Agent.

CERTIFICATION

I Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 27th day of June, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	6/Date
4-7	27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Township of Brick has entered into contract with Homes Now, Inc. to facilitate the implementation of the Township's Fair Share Plan; and

WHEREAS, the Township is satisfied with the performance of Homes Now, Inc. and is desirous of renewing said contract.

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 Homes Now, Inc. is a 501 (c3) Private Non-profit Corporation in accordance with IRS regulations, with unique experience and expertise in addressing the issue of affordable housing.
2. That the services to be provided by Homes Now, Inc. are unique and unspeciabile and meet the criteria for an Extraordinary Unspecifiable Service (E.U.S.) in accordance with 40A:11-5.
3. That the Mayor is hereby authorized to execute the agreement on file in the Office of the Township Clerk memorializing the agreement between the Township of Brick and Homes Now, Inc.
4. That this contract is for a period of one year commencing on July 21, 2017.
5. That Homes Now, Inc. shall provide the required services to the Township of Brick in accordance with the Agreement.
6. That a notice of his action shall be printed once in the official newspaper of the Township of Brick.
7. That certified copies of this agreement shall be forwarded to the Mayor, Homes Now Inc., Business Administrator, Chief Financial Officer, Affordable Housing Administrator 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 hereby certify the foregoing Resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 27th day of June, 2017.

IN WITNESS WHEREOF, I have here unto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-8	6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

RESOLUTION OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY EXTENDING AFFORDABLE HOUSING RESTRICTIONS ON CERTAIN SPECIFIED PROPERTIES

WHEREAS, the Township of Brick has established an Affordable Housing Program to address its constitutional obligation under the Mount Laurel Doctrine; and

WHEREAS, the following properties were constructed in 1994-1995 and are a part of the Township's Affordable Housing Program:

41 Red Maple Dr., Brick, NJ
85 Red Maple Dr., Brick, NJ
396 Jarome St., Brick, NJ
392 Jarome St., Brick, NJ
380 Jarome St., Brick, NJ
22 Blue Spruce Place, Brick, NJ
17 Blue Spruce Place, Brick, NJ
20 Red Maple Rd., Brick, NJ
12 Red Maple Rd., Brick, NJ; and

WHEREAS, said properties are subject to an Affordable Housing Agreement containing Declaration of Covenants, Conditions and Restrictions dated February 24, 1994 as recorded in the Office of the Ocean County Clerk on March 1, 1994 in Deed Book 5140, Page 0255 which provides that the initial 20-year deed restriction can be extended by the Township of Brick by Resolution; and

WHEREAS, the Township of Brick wishes to maintain the above-referenced properties as a part of its Affordable Housing Inventory in order to continue to address its Fair Share obligation for persons of low or moderate income housing.

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

1. The Affordable Housing Deed Restriction set forth in Paragraph III. B of the aforementioned February 24, 1994 affordable housing agreement for the following property be and the same are hereby extended for an additional 30-year term from the date the initial 20-year affordable deed restriction expired:

41 Red Maple Dr., Brick, NJ
85 Red Maple Dr., Brick, NJ
396 Jarome St., Brick, NJ
392 Jarome St., Brick, NJ
380 Jarome St., Brick, NJ
22 Blue Spruce PL, Brick, NJ
17 Blue Spruce PL, Brick, NJ
20 Red Maple Rd., Brick, NJ
12 Red Maple Rd., Brick, NJ

2. Homes Now, Inc., the Authority referred to in said Affordable Housing Agreement, will execute a document in recordable form evidencing this affordable housing deed restriction extension and record same in the Office of the Ocean County Clerk. A copy of this Municipal Resolution shall be attached thereto.

3. A certified true copy of this Resolution shall be furnished to Homes Now, Inc. and to the property owner(s) of the above-referenced properties so that they are aware of the extension of the affordability controls on their property.

Agenda #	Date
4-9	6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council held on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Mayor and Township Council have received a request to waive the restrictions of the Township's noise ordinance, as set forth in Chapter 281 of the Township Code;

WHEREAS, the request seeks a waiver so that the Brick Memorial High School Marching Band can have practices, rehearsals and performances without inadvertently violating the noise ordinance; and

WHEREAS, the Mayor and Township Council consistently support our high school students and their efforts, and has a high regard for the members of the marching bands, their supporters and parents; and

WHEREAS, the Mayor and Township Council believe that a waiver of the noise ordinance will benefit the students, the marching band and their supporters, and will further benefit the health, safety and welfare of the Township and its residents as a whole;

WHEREAS, the Mayor and Township Council therefore desire to memorialize in this Resolution the waiver of the noise ordinance, Chapter 281, for the dates and times set forth in "Schedule A";

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and Township Council hereby waive the Township's noise ordinance, Chapter 281 of the Township Code, and exempt the Brick Memorial High School Marching Band from its restrictions during their practices, rehearsals, performances and band festivals for 2017 in accordance with the "Schedule A" attached hereto and made a part hereof.
2. That the Township Clerk shall forward a certified copy of this resolution to the Chief of Police, the Brick Township Board of Education, the Township Business Administrator, and the respective Directors of the Brick Memorial High School Marching Band.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-10	6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

SCHEDULE A

Brick Memorial High School 2017 Marching Band Rehearsal Schedule

June		
Tuesday	June 27, 2017	5:00pm-9:30pm
July		
Tuesday	July 11, 2017	5:00pm-9:30pm
Tuesday	July 18, 2017	5:00pm-9:30pm
August		
Tuesday	August 1, 2017	5:00pm-9:30pm
Monday	August 7, 2017	12:00pm-9:30pm
Tuesday	August 8, 2017	12:00pm-9:30pm
Wednesday	August 9, 2017	12:00pm-9:30pm
Thursday	August 10, 2017	12:00pm-9:30pm
Monday	August 14, 2017	12:00pm-9:30pm
Tuesday	August 15, 2107	12:00pm-9:30pm
Wednesday	August 16, 2017	12:00pm-9:30pm
Thursday	August 17, 2017	12:00pm-9:30pm
Tuesday	August 22, 2017	5:00pm-9:30pm
Thursday	August 24, 2017	5:00pm-9:30pm
Tuesday	August 29, 2017	5:00pm-9:30pm
Thursday	August 31, 2017	5:00pm-9:30pm
September		
Tuesday	September 5, 2017	5:00pm-9:30pm
Wednesday	September 6, 2017	5:00pm-9:30pm
Thursday	September 7, 2017	5:00pm-9:30pm
Friday	September 8, 2017	2:30pm-5:00pm
Saturday	September 9, 2017	9:00am-1:00pm
Tuesday	September 12, 2017	5:00pm-9:30pm
Wednesday	September 13, 2017	5:00pm-9:30pm
Thursday	September 14, 2017	5:00pm-9:30pm
Friday	September 15, 2017	2:30pm-6:00pm
Saturday	September 16, 2017	11:00am-5:00pm
Tuesday	September 19, 2017	5:00pm-9:30pm
Wednesday	September 20, 2017	5:00pm-9:30pm
Thursday	September 21, 2017	5:00pm-9:30pm
Friday	September 22, 2017	2:30pm-6:00pm
Saturday	September 23, 2017	8:00am-11:30pm
	Home Band Competition	
Tuesday	September 26, 2017	5:00pm-9:30pm
Wednesday	September 27, 2017	5:00pm-9:30pm
Thursday	September 28, 2017	5:00pm-9:30pm
Friday	September 29, 2017	2:30pm-6:00pm
Saturday	September 30, 2017	8:00am-11:30pm
	Home Band Competition	
October		
Tuesday	October 3, 2017	5:00pm-9:30pm
Wednesday	October 4, 2017	5:00pm-9:30pm
Thursday	October 5, 2017	5:00pm-9:30pm
Friday	October 6, 2017	2:30pm-6:00pm
Saturday	October 7, 2017	10:00am-4:00pm
Tuesday	October 10, 2017	5:00pm-9:30pm
Wednesday	October 11, 2017	5:00pm-9:30pm
Thursday	October 12, 2017	5:00pm-9:30pm
Friday	October 13, 2017	2:30pm-6:00pm
Saturday	October 14, 2017	9:00am-5:00pm
Sunday	October 15, 2017	9:00am-3:00pm
Tuesday	October 17, 2017	5:00pm-9:30pm
Wednesday	October 18, 2017	5:00pm-9:30pm

RESOLUTION

WHEREAS, Rotary Club of Brick Township has applied for a special event permit to conduct a Dog Fest on September 24, 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 effects of the special event and the recommendations are incorporated herein; and

WHEREAS, the Mayor and Council desire to approve the Rotary Club of Brick Township's request for special event application to conduct a Dog Fest event on September 24, 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 Rotary Club of Brick Township's request for a special event application to conduct a Dog Fest Event on September 24, 2017 at the VFW, 373 Adamston Road between the hours of 8:00 am and 3:00 pm, with the conditions and restrictions as follows:

- 1) All fire lanes and fire access and areas and store exits must remain open and accessible. No obstruction of the pedestrian crosswalk/sidewalk access shall be permitted.
- 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 and the Rotary Club of Brick Township.

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-11	6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, National 175, LLC, 15 Valley Drive, Greenwich, CT 06831 has applied for a special event permit to conduct a Jersey Shore Challenge Lacrosse Showcase and Tournament on July 14-16, 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 effects of the special event and the recommendations are incorporated herein; and

WHEREAS, the Mayor and Council desire to approve the National 175, LLC's request for special event application to conduct a Lacrosse Showcase and Tournament event on July 14-16, 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 National 175, LLC's request for a special event application to conduct a Lacrosse Event on July 14-16, 2017 at the Drum Point Sports Complex between the hours of 8:00 am and 8:00 pm, with the conditions and restrictions as follows:

- 1) All fire lanes and fire access and areas and store exits must remain open and accessible. No obstruction of the pedestrian crosswalk/sidewalk access shall be permitted.
- 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 and the National 175, LLC .

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-12	6/27/17
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

304 Huxley Drive – Block 382.03/Lot 8 - \$99.13

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

304 Huxley Drive – Block 382.03/Lot 8 - \$99.13

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

304 Huxley Drive – Block 382.03/Lot 8 - \$99.13

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, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

Agenda #	Date
4-13	6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Assistant Township Engineer has notified the Municipal Clerk by letter dated June 12, 2017 that there is \$3,313.89 remaining in the engineering inspection fund from Lake Real Estate/Alex Hartstein, 725 Ridge Avenue, Lakewood, NJ 08701 for 700 Old Burnt Tavern Road, PB-2739 in the Township of Brick; and

WHEREAS, the Assistant Township Engineer has advised that all the required improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the \$3,313.89 (plus interest if applicable) remaining in the engineering inspection fund be returned to the applicant; and

WHEREAS, the Township Council is satisfied with the recommendations of the Assistant Township Engineer.

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

1. That the \$3,313.89 (plus interest if applicable) remaining in the engineering inspection fund be returned to the applicant.
2. That a certified copy of this resolution be forwarded to:
 - a. Assistant Township Engineer
 - b. Chief Finance Officer
 - c. Applicant

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	6/Date
4-14a	6/27/17
Agenda #	Date
	Date
	Date

RESOLUTION

WHEREAS, Darcy Kane, 6 Meeker Avenue, Edison, NJ 08817 had posted a cash performance bond in the amount of \$17,367.15 to guarantee certain site improvements to Block 26 Lot 6 & 7 off Route 35S (PB-2690) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated June 9, 2017 has advised that all of the required improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the cash performance bond in the amount of \$17,463.31 (plus interest if applicable) be returned to the applicant; and

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

1. That the cash performance bond in the amount of \$17,367.15 (plus interest if applicable) be returned to the applicant; and
2. That the Township Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-146	6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Matthew & Meghan Presutti, 443 Highway 35S, Mantoloking, NJ 08738 had posted a cash performance bond in the amount of \$17,367.15 to guarantee certain site improvements to Block 26 Lot 6 & 7 off Route 35S (PB-2690) in the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated June 9, 2017 has advised that all of the required improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer recommends that the cash performance bond in the amount of \$17,367.15 (plus interest if applicable) be returned to the applicant; and

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

1. That the cash performance bond in the amount of \$17,367.15 (plus interest if applicable) be returned to the applicant; and
2. That the Township Clerk forward certified copies of this resolution to the following:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda # 4-14c	Date 6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Auto Zone, 123 South Front Street, Memphis, TN 38103, had posted Travelers Casualty and Surety Company of America Performance Bond Number 105552443 in the amount of \$219,262.61 and a cash performance bond in the amount of \$24,362.52 to guarantee certain site improvements to Block 468/671 Lot: 1-9, 10.01-10.03 (Brick Plaza BA-2748) within the Township of Brick; and

WHEREAS, the Assistant Township Engineer, by letter dated June 15, 2017 has advised that the improvements have been completed and are acceptable; and

WHEREAS, the Assistant Township Engineer is recommending that the Travelers Casualty and Surety Company of America Performance Bond Number 105552443 in the amount of \$219,262.61 and a cash performance bond in the amount of \$24,362.52 (plus interest if applicable) be returned to the applicant; and

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

1. That Travelers Casualty and Surety Company of America Performance Bond Number 105552443 in the amount of \$219,262.61 and a cash performance bond in the amount of \$24,362.52 (plus interest if applicable) be returned to the applicant; and
2. That certified copies of this resolution be forwarded to:
 - a. Chief Financial Officer
 - b. Assistant Township Engineer
 - c. Applicant/Developer

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
44 d	6/27/17
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 2017.

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>
383.16/16/309460 258 Pine Tree Dr.	Carrington Mortgage Service	\$ 1,392.29
12.22/1X/104997 529 Route 35 No.	Eckert Seamans, Esq	\$ 408.38

CERTIFICATION

I, Lynnette A. Iannarone, 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 June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
415a	6/27/17

RESOLUTION

WHEREAS, Jo Anne R. Lambusta, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments for the years 2014 and 2016 on Block 875, Lot 2.01, Account # 417499, 32 Johnson St. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2014-2017 from 2,251,000 to 2,026,000.

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

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

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
875/2.01/417499	The Irwin Law Firm, Att. Trust FBO	\$ 4,761.00-2014
32 Johnson St.	Collins, Tristram	\$ 4,801.50-2015
		<u>\$ 4,929.75-2016</u>
		\$14,492.25

CERTIFICATION

I, Lynnette A. Iannarone, 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 June 27, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 27th day of June, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda # 4-15b	Date 6/27/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK SO AS TO REPEAL CHAPTER 276 ENTITLED "MASSAGE PARLORS" AND REPLACE IT WITH A REVISED CHAPTER 276, ENTITLED "MASSAGE ESTABLISHMENTS"

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. The Township Code of the Township of Brick is hereby amended and supplemented so as to repeal Chapter 276 entitled "Massage Parlors" and replace it with a revised Chapter 276, which shall be entitled "Massage Establishments", and which shall read as follows:

276-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MASSAGE. Systems of activity of structured touch which include, but are not limited to, bodywork therapies, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, explaining and describing myofascial movement, self-care and stress management as it relates to massage therapies. Massage practices are designed to affect the soft tissue of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage does not include the diagnosis of illness, disease, impairment or disability.

MASSAGE ESTABLISHMENT. Any establishment or operation wherein a massage is administered, or is permitted to be administered for any form of consideration.

MASSAGE THERAPIST. Any person, male or female, who administers a massage as defined herein for any form of consideration.

276-2 Registration Required.

A. Purpose. Massage establishments are required to register with the Township in order for the municipality to maintain records of the name(s) and State License of the owner, operator of the massage establishment and massage therapist(s) providing massage services within Township limits, the address of the place of business providing massage services and to monitor compliance with all municipal and State laws, health codes and ordinances. Registering the licensure information for the establishment and therapist preserves the public health, safety and welfare of the municipality and its inhabitants, and may be necessary to carry into effect the powers and duties conferred and imposed upon the municipality.

B. Massage Establishments. No person shall operate any establishment or utilize any premises in the Township as, or for, a massage establishment, unless or until the establishment has registered the business with the Township Clerk in accordance with the terms and provisions of this section. Such application shall have attached to it a copy of a valid State License demonstrating good standing and compliance with State requirements and copies of the valid State License(s) for any person(s) employed by the establishment as a massage therapist.

276-3 Township Clerk to Approve.

Each application for a registration or the renewal thereof, or to engage in the business of massage, which is submitted to the Township Clerk, shall be approved by the Township Clerk before any registration is issued. The Township Clerk shall not approve such application unless valid State Licenses for the establishment and for any person employed by the establishment as a massage therapist are attached to the application. Each massage establishment shall provide prior to employment, a written copy of valid State Licenses for any new massage therapist employed after the filing of the application.

276-4 Requirements.

Any person or entity engaged in the business of operating a massage establishment as defined in this chapter, shall be required to carry a professional liability insurance policy in the minimum amount of ten thousand (\$10,000.00) dollars for each occurrence, plus ten thousand (\$10,000.00) dollars for each individual. A copy of such policy shall be submitted for approval with the application for a license.

da #	Date
5-1	6/27/17
da #	Date
da #	Date
da #	Date

- B. Each application shall be accompanied by a license fee of \$200.00.
- C. Each massage establishment shall be subject to inspection by the Township of Brick during regular business hours.

276-5 Exemptions From Licensing.

The provisions of this chapter shall not apply to massage or physical therapy treatments given by a massage therapist certified by either the A.M.T.A. or the A.M.B.P., and:

- A. In the office of a licensed physician, osteopath, chiropractor or physical therapist.
- B. In a regularly established medical center, hospital, or sanitarium having a staff which includes licensed physicians, chiropractors or physical therapists.
- C. By any licensed physician, osteopath, chiropractor or physical therapist in the residence of his patient.

276-6 Compliance with State and Local Laws.

All massage establishments shall comply with all other State laws and local ordinances.

276-7 Penalty.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be subject to the penalties as provided in Chapter 1, Section 1-15, General penalty.

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 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 27th day of June, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 11th day of July, 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 person desiring to be heard upon the same will be given the opportunity to be so heard.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

JOHN G. DUCEY
MAYOR

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

ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, AND OTHER RELATED EXPENSES, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$5,299,368 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,034,401 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$5,299,368, said sum being inclusive of a down payment in the amount of \$264,967 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

SECTION 2. For the financing of said improvements described in Section 3 hereof and to meet the part of said \$5,299,368 appropriation not provided for by application hereunder of said \$264,967 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$5,034,401 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$5,034,401 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for various Class C roadway improvements at various locations throughout the Township, and the acquisition and installation, as applicable, of various items of motorized and non-motorized equipment for various Township departments.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$5,034,401.

(d) The estimated cost of said improvements and purposes is \$5,299,368, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$264,967 available for such improvements and purposes.

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

Agenda #	Date
5-1	1/13/17
Agenda #	Date
6-1	1/27/17

United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

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

SECTION 6. The Capital Budget of the Township is hereby amended, as necessary, to conform with the provisions of this bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Clerk and will be available for public inspection.

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

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

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$5,034,401, but such amount shall constitute a deduction from gross debt to the extent permitted by law, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,880,574 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$5,034,401. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, and approval by the Mayor and Council President, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 13th day of June, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of June, 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

JOHN G. DUCEY
MAYOR

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

ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, AND OTHER RELATED EXPENSES, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$800,000, said sum being inclusive of a down payment in the amount of \$40,000 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

SECTION 2. For the financing of said improvements described in Section 3 hereof and to meet the part of said \$800,000 appropriation not provided for by application hereunder of said \$40,000 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$760,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$760,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition and installation, as applicable, of various items of data processing and technology equipment for various Township departments.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$760,000.

(d) The estimated cost of said improvements and purposes is \$800,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$40,000 available for such improvements and purposes.

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

Agenda #	6/ Date
5-2	6/13/17
Agenda #	6/ Date
6-2	6/27/17

hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

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

SECTION 6. The Capital Budget of the Township is hereby amended, as necessary, to conform with the provisions of this bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Clerk and will be available for public inspection.

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

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

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is seven (7) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$760,000, but such amount shall constitute a deduction from gross debt to the extent permitted by law, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$120,000 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the

proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$760,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, and approval by the Mayor and Council President, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 13th day of June, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of June, 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

JOHN G. DUCEY
MAYOR

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

ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, AND OTHER RELATED EXPENSES, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$249,850 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$237,357 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$249,850, said sum being inclusive of a down payment in the amount of \$12,493 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

SECTION 2. For the financing of said improvements described in Section 3 hereof and to meet the part of said \$249,850 appropriation not provided for by application hereunder of said \$12,493 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$237,357 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$237,357 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition and installation, as applicable, of various items of police equipment (non-data processing).

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$237,357.

(d) The estimated cost of said improvements and purposes is \$249,850, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$12,493 available for such improvements and purposes.

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

Agenda #	Date
5-3	6/13/17
6-5	6/27/17
Agenda #	Date

hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

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

SECTION 6. The Capital Budget of the Township is hereby amended, as necessary, to conform with the provisions of this bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Clerk and will be available for public inspection.

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

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

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$237,357, but such amount shall constitute a deduction from gross debt to the extent permitted by law, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$37,478 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the

proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$237,357. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, and approval by the Mayor and Council President, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 13th day of June, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of June, 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

JOHN G. DUCEY
MAYOR

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

ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, AND OTHER RELATED EXPENSES, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$2,150,782 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,043,242 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$2,150,782, said sum being inclusive of a down payment in the amount of \$107,540 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

SECTION 2. For the financing of said improvements described in Section 3 hereof and to meet the part of said \$2,150,782 appropriation not provided for by application hereunder of said \$107,540 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$2,043,242 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$2,043,242 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for various Class B buildings and grounds improvements, drainage improvements and recreational park improvements (existing parks and beaches) at various locations throughout the Township.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$2,043,242.

(d) The estimated cost of said improvements and purposes is \$2,150,782, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$107,540 available for such improvements and purposes.

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

Agenda #	6/ Date
5-4	6/13/17
Agenda #	6/ Date
6-4	6/27/17

hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

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

SECTION 6. The Capital Budget of the Township is hereby amended, as necessary, to conform with the provisions of this bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Clerk and will be available for public inspection.

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

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

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,043,242, but such amount shall constitute a deduction from gross debt to the extent permitted by law, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$695,235 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the

proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$2,043,242. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, and approval by the Mayor and Council President, as provided by the Local Bond Law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Brick held on the 13th day of June, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of June, 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

JOHN G. DUCEY
MAYOR

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, SO AS TO AMEND CHAPTER 245, ENTITLED "LAND USE" TO AMEND VARIOUS SECTIONS OF ARTICLE XXXVI ENTITLED "SIGNS"

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 245 of the Township Code of the Township of Brick entitled "Land Use" is hereby amended and supplemented to amend Article XXXVI entitled "Signs," to change parts of Section 245-513 entitled "General Regulations," which shall now read as follows:

245-513. General regulations.

(A) (18) The use of flags, streamers and no more than two feather flags (with a maximum height of ten feet) is prohibited other than for a period of 60 days from the date of opening a new establishment or the closing of an established business. Additional flags, streamers and no more than two feather flags (with a maximum height of ten feet) shall be allowed four times a year thereafter for a period not to exceed 10 consecutive days, provided that a minimum of 30 calendar days has lapsed between promotional campaigns and a permit to do so is obtained from the Township. The fee shall be \$30 for each promotional campaign. The fee will be collected and the permit shall be issued by the Township Clerk following the approval of the Zoning Officer. Said permits shall be conspicuously displayed and visible from outside during the time the flags, streamers and/or feather flags are used.

SECTION 2. Chapter 245 of the Township Code of the Township of Brick entitled "Land Use" is hereby further amended and supplemented to amend Section 245-513 to add a new subsection (C) which shall read as follows:

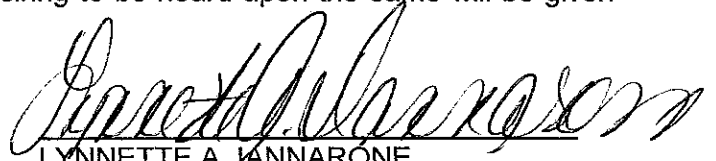
C. Sunset Provision. Unless otherwise extended by the Township Council, subsections (18), (20) and (21) of this section 245-213 shall sunset on December 31, 2018.

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 23rd day of May, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of June, 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

JOHN G. DUCEY
MAYOR

Agenda #	5	Date
6-1		5/23/17
Agenda #	6	Date
6-5		6/27/17
Agenda #		

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, SO AS TO AMEND CHAPTER 245, ENTITLED "LAND USE" TO PERMIT MICROBREWERIES IN THE B-2 GENERAL BUSINESS ZONE, THE B-3 HIGHWAY DEVELOPMENT ZONE AND THE M-1 LIGHT INDUSTRIAL ZONE

WHEREAS, microbreweries are presently not permitted in Brick Township; and

WHEREAS, in 2013 the State of New Jersey amended N.J.S.A. 33:1-10 to permit the Division of Alcoholic Beverage Control (ABC) to issue a "limited brewery license," which permits microbreweries to brew and sell malt alcoholic beverages in limited quantities; and

WHEREAS, the holder of a limited brewery license authorizes licensees to sell malt alcoholic beverages at retail to consumers on the licensed premises in connection with a tour of the brewery; and

WHEREAS, the Township Code of the Township of Brick currently does not provide for the holder of a limited brewery license to be located within the Township of Brick; and

WHEREAS, the Township Council of the Township of Brick believes it would be appropriate to permit a limited brewery license as a permitted use in the B-2, B-3, and M-1 zones in the Township.

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. § 245-3 of the Township Code of the Township of Brick captioned "Land Use" is hereby amended and supplemented to provide regulations applicable to microbreweries holding a "limited brewery license" issued by the State of New Jersey. The amendment to section 245-3 shall add a definition for "Microbrewery," which shall read as follows:

245-3. Definitions.

Microbrewery. A microbrewery is a brewery holding a limited brewery license issued by the State of New Jersey as defined by N. J. S. A. 33:1-10.1b producing less than 15,000 barrels of 31 gallons of malt beverage per year. The holder of this license shall be entitled to sell this product at retail to consumers on the licensed premises of the brewery for consumption on the premises, but only in connection with a tour of the brewery, or for consumption off the premises in a quantity of not more than 15.5 fluid gallons per person, and to offer samples for sampling purposes only pursuant to an annual permit issued by the director of the State Division of Alcoholic Beverage Control (ABC).

SECTION 2. § 245-214 of the Township Code of the Township of Brick captioned "Permitted Uses" for the B-2 General Business Zone is hereby amended and supplemented to designate a Microbrewery as a permitted use. The amendment to section 245-214 shall read as follows:

245-214 Permitted Uses

A.(1)(o) Microbrewery.

SECTION 3. § 245-224 of the Township Code of the Township of Brick captioned "Permitted Uses" for the B-3 Highway Development Zone is hereby amended and supplemented to designate a Microbrewery as a permitted use. The amendment to section 245-224 shall read as follows:

245-224 Permitted Uses

A.(5) Microbrewery.

Agenda #	5/Date
6-2	5/23/17
Agenda #	6/Date
6-6	6/27/17

SECTION 4. § 245-242 of the Township Code of the Township of Brick captioned "Permitted Uses" for the M-1 Light Industrial Zone is hereby amended and supplemented to designate a Microbrewery as a permitted use. The amendment to section 245-224 shall read as follows:

245-242 Permitted Uses

A.(22) Microbrewery.

SECTION 5. Article XXV of the Township Code of the Township of Brick, entitled "B-3 Highway Development Zone" is hereby amended and supplemented to add a new Section 245-231.1 to enact performance standards for the zone, which shall read as follows:

245-231.1 Performance Standards

All uses permitted in the B-3 Zone shall conform to the performance standards set forth in § 245-250 of this chapter.

SECTION 6. 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 7. 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 23rd day of May, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of June, 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

JOHN G. DUCEY
MAYOR