

Brick Township Council
July 11, 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 23, 2017.

Consent Agenda

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

4. Resolutions:
 - ___1. Recognize Brick Township Rotary Club for Bullet Proof Vest Fundraiser.
 - ___2. Authorize Insertion of Chapter 159 –Recreational Trails Program Grant.
 - ___3. Authorize Insertion of Chapter 159 -Cops in Shops College Summer Shore Initiative 2017.
 - ___4. Authorize Receipt of Bids – Bulkhead Replacement at 15 Lagoon Drive East.
 - ___5. Authorize Award of Bid – Vehicle Collision & Body Repairs.
 - ___6. Authorize Award of Bid – Ambulance Repairs.
 - ___7. Authorize Award of Bid – Purchase & Delivery – One Triaxle Roll-off Truck.
 - ___8. Authorize Change Order No. 2 Final – Roadway Improvements to Lakewood Gardens Phase II Project.
 - ___9. Authorize 2017-2018 Plenary Retail Consumption Liquor License Renewal with Restrictions – Mansion on the Plaza.
 - ___10. Authorize 2017-2018 Plenary Retail Consumption Liquor License Renewals:
 - a. Crab Addison, Inc.
 - b. Beacons 70.
 - ___11. Authorize Person-to-Person Transfer of Plenary Retail Consumption Liquor License – ZMRA, LLC.
 - ___12. Surrender of Liquor License – Loyal Order of Moose Bricktown Lodge #1862.
 - ___13. Tax Collector:
 - a. State Tax Appeal Granted – Block 548.02 Lot 26 – 2546 Hooper Ave.
 - b. State Tax Appeal Granted – Block 921 Lot 14 – 529 Princeton Ave.
 - c. State Tax Appeal Granted – Block 936 Lot 11 – 705 Princeton Ave.

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

 - ___14. Bill Resolution – Computer 2017.
 - ___15. Bill Resolution – Manual 2017.

5. Ordinance on First Reading:

- ___1. Amend Chapter 145-6 – Extend Waiver of Fees for Construction – Renovation of Existing Vacant Commercial Structures.

6. Ordinance on Second Reading:

- ___1. Amend Chapter 276 – Massage Establishments.

7. Public Comments.

Please note that each person addressing the Council during any section of the meeting during which public comment is permitted shall limit his/her remarks to five minutes pursuant to Brick Township Administrative Code Section 2 -33B.

8. Council Comments.

9. Motion to Adjourn.

**And any other matters which may come before Council.
Formal Action may be taken at all meetings.**

***** Next scheduled Caucus/Public meeting of the Township Council will be on Tuesday, July 25, 2017 at 7:00 p.m.**

RESOLUTION

WHEREAS, the Brick Township Rotary Club has been serving our community since its founding in 1963; and

WHEREAS, one of the Brick Township Rotary Club's most successful fund raising events is their Annual Vest Fund Dinner Dance, which has been held since 1984; and

WHEREAS, the proceeds of the Annual Vest Fund Dinner Dance are used to purchase bullet proof vests for Brick Township's Police Officers; and

WHEREAS, every day, the men and women of the Brick Township Police Department put their lives on the line to protect the people of our community and make it a safer place; and

WHEREAS, it is vitally important that the our Police Officers are equipped with bullet proof vests as studies have shown that vests increase an officer's chance of surviving a gun shot by more than fifty percent; and

WHEREAS, on Friday, July 21, the Rotary Club will host their 33rd Annual Vest Fund Dinner Dance; and

WHEREAS, it is the Council's hope that the vests that are purchased are never put to the test, however, we are thankful for the Rotary for hosting this Dinner Dance every year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, that we hereby extend our highest commendations and most heartfelt thanks to the members of the Brick Township Rotary Club for hosting their Annual Vest Fund Dinner Dance every year and for their unyielding support of the Brick Township Police Department.

CERTIFICATION

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-1	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, N.J.S.A. 40A:4-87 provides the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Brick, in the County of Ocean, State of New Jersey, hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$ 24,000.00, which item is now available as a revenue from the State on New Jersey, Department of Environmental Protection and the Federal Highway Administration in the amount of \$ 24,000.00.

BE IT FURTHER RESOLVED that the like sum of \$ 24,000.00 is hereby appropriated under the caption "Recreational Trails Program Grant"; and,

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$ 24,000.00 from the Department of Environmental Protection and the Federal Highway Administration.

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 July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-2	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that Township Council of the Township of Brick in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of 2017 in the amount of \$3,200.00 which is now available from the State of New Jersey – Department of Law and Public Safety – Division of Alcoholic Beverage Control for Cops in Shops – College Summer Shore Initiative 2017 Grant in the amount of \$ 3,200.00.

BE IT FURTHER RESOLVED that the like sum of \$ 3,200.00 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – Cops in Shops – College Summer Shore Initiative 2017.

BE IT FURTHER RESOLVED, that the above is the result of funds received from the State of New Jersey – Department of Law and Public Safety – Division of Alcoholic Beverage Control – Cops in Shops – College Summer Shore Initiative 2017 Grant in the amount of \$3,200.00.

CERTIFICATION

I, Lynnette Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th of July, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-3	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

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:

BULKHEAD REPLACEMENT AT 15 LAGOON DRIVE, BRICK, NJ

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 Township Engineer 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 11th day of July, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

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

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for **Vehicle Collision and Body Repairs** on Friday, June 30, 2017; and

WHEREAS, the bids have been reviewed by the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended the award of said bid to the lowest responsive and responsible bidder being in full compliance of the bid specification; and

WHEREAS, the Director of Public Works has found that Maaco Collision & Auto Painting, 1299 Route 88, Lakewood, NJ 08701 with a Labor Rate of \$34.00 per hour and a -10% discount on parts, as the lowest responsive and responsible bidder in full compliance within the respective category, per the bid specification and is therefore recommended for award.

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 Vehicle Collision and Body Repairs for the Township of Brick is hereby awarded to Maaco Collision & Auto Painting, 1299 Route 88, Lakewood, NJ 08701 with a labor rate of \$34.00 per hour and a -10% discount on parts.
2. This bid will be an open-ended contract not to exceed \$60,000.00 per year with funds to be certified prior to each service.
3. This award is for two (2) years commencing on July 15, 2017 and ending on July 14, 2019.
4. The labor rate and percentage on parts shall remain firm fixed for the duration of the contract.
5. A copy of this resolution shall be forwarded to the Maaco Collision & Auto Painting, Business Administrator, Chief Financial Officer, Director of Public Works, Risk Manager and the Purchasing Agent
6. The Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.

CERTIFICATION

I, 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 11th day of July 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July 2017.

Agenda #	Date
45	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

RESOLUTION

WHEREAS, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for **Ambulance Repairs** on Friday, June 30, 2017; and

WHEREAS, Freehold Ford, Inc., 3572 Route 9, Freehold, N.J. 07728 formally requested to withdraw their bid from consideration due to the fact they do not meet the necessary qualifications to comply with the bid specification; and

WHEREAS, the bids have been reviewed by the Director of Public Works and Deputy Director of EMS and recommends award to the lowest responsive responsible bidder being in full compliance within the respective category per the bid specification; and

WHEREAS, the Director of Public Works and Deputy Director of EMS hereby recommends award to PL Custom Body & Equipment Co., Inc., 2201 Atlantic Avenue, Manasquan, N.J. 08726 and

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 Township has approved the bid submitted by Freehold Ford, Inc., 3572 Route 9, Freehold, N.J. 07728 to formally withdraw their bid from consideration due to the fact they do not meet the necessary qualifications to comply with the bid specification.
2. That the bid for Ambulance Repair Services is hereby awarded to PL Custom Body & Equipment Co., 2201 Atlantic Avenue, Manasquan, NJ 08736 with a labor rate of \$95.00 per hour and 0% on parts for Auto Mechanical Repairs, Life Support Components, and Body Repairs.
3. That this bid will be an open-ended contract not to exceed \$45,000.00 per year with funds to be certified prior to each service.
4. That this award is for two (2) years commencing on July 15, 2017 and ending on July 14, 2019.
5. That the labor rate and percentage on parts shall remain firm fixed for the duration of the contract.
6. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
7. That a copy of this Resolution shall be forwarded to Freehold Ford, PL Custom Body & Equipment, Business Administrator, Chief Financial Officer, Director of Public Works, Police Chief, Deputy Director of EMS, Risk Manager 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 11th day of July 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July 2017.

Agenda #	Date
4-6	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

 LYNNETTE A. IANNARONE
 TOWNSHIP CLERK

RESOLUTION

WHEREAS, the Division of Purchasing and Contracting received bids for the **Purchase & Delivery of one (1) Triaxle Roll-Off Truck with 40 Cubic Yard Container** on Friday, June 30, 2017; and

WHEREAS, the bids have been reviewed by the Director of Public Works; and

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

WHEREAS, the Director of Public Works has recommended award to Hunter Jersey Peterbilt, 524 Monmouth Road, P.O. Box 729, Clarksburg, N.J. 08510.

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 the Purchase and Delivery of one (1) 2018 Peterbilt Model 348 Cab & Chassis with a 2017 American Rolloff Hoist is hereby awarded to Hunter Jersey Peterbilt, 524 Monmouth Road, P.O. Box 729, Clarksburg, N.J. 08510 in the amount of \$169,990.00.
2. That delivery shall be FOB Township of Brick Public Works within 120 days after receipt of order.
3. That the Chief Financial Officer has submitted a Certificate of Available Funds in the total amount of \$169,990.00 and is attached hereto.
4. That the Mayor is hereby authorized to execute and the Clerk to attest to the proposed form of agreement aforesaid, which such agreement shall be available for public examination in the office of the Township Clerk during normal business hours.
5. That a copy of this resolution shall be forwarded to Hunter Jersey Peterbilt, Business Administrator, Chief Financial Officer, Director of Public Works and the Purchasing Agent.

CERTIFICATION

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on the 11th day of July, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-7	7/11/17
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 **Roadway Improvements to Lakewood Gardens-Phase II Project, Ordinance #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 **Lucas Brothers, Inc., 80 Amboy Avenue, Morganville, N.J. 07751** be decreased by \$9,409.66 and the contract be commensurately decreased from \$355,144.85 to \$345,735.19.

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 Lucas Brothers, Business Administrator, CME 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 11th day of July, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda # 4-8	Date 7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, Lettuce Serve You, LLC t/a Mansion on the Plaza, 108 Brick Plaza, Brick, NJ 08723 has applied for the renewal of Plenary Retail Consumption License No. 1506-33-005-010 for the 2017-2018 licensing period in the inactive status; and

WHEREAS, the Township Council had previously decided after a public hearing with the opportunity for the license holder to be heard, that imposing certain conditions upon the license was in the best interest of the people of the Township of Brick; and

WHEREAS, the Township Clerk has determined that the license application for the 2017-2018 renewal period is in proper form and that the applicable license fees have been paid in accordance with the rules and regulations of the Division of Alcoholic Beverage Control and Township of Brick.

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

1. That retail consumption license 1506-33-005-010, held by Lettuce Serve You, LLC t/a Mansion on the Plaza is renewed for the license year July 1, 2017 to June 30, 2018, but that said license is renewed, specifically conditioned upon the following:
 - 1) Upon written direction of the Chief of Police or his designee, the Licensee will provide uniformed off-duty police officers to be stationed in front of the premises at the owner's expense.
 - 2) All entertainment and serving of alcohol must cease at least 30 minutes prior to closing time.
 - 3) The Licensee shall implement additional security measures including, but not limited to, the use of a license scanner, the installation of infrared security cameras inside the licensed premises and the installation of no less than two security cameras on the exterior of the Mansion portion of the licensed premises.
 - 4) The Licensee shall provide certified security personnel on the premises on Friday and Saturday evenings. Such certified security personnel shall be present in the parking lot adjacent to the licensed premises at closing time, and shall patrol the parking lot periodically throughout the evening.

2. That a copy of this resolution be served upon Lettuce Serve You, LLC., the Brick Township Police Department and the Division of Alcoholic Beverage Control.

CERTIFICATION

I, Lynnette A. Iannarone, Municipal Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council on July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-9	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Township Council previously awarded for the period commencing July 1, 2016 to June 30, 2017 certain plenary retail consumption licenses and certain plenary retail distribution licenses and also certain club licenses; and

WHEREAS, the Township Council makes the following findings with respect to the 2017 to 2018 renewal applications submitted to them:

1. The submitted application forms are complete in all respects and the proper fees have been collected.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.
3. The applicants have disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the licenses and the licensed premises and/or any additional financing obtained in the previous licensed term for the use in the licensed business.

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

- 1 That the plenary retail consumption licenses with Broad C Privileges No. 1506-32-002-005 held by Crab Addison, Inc. is hereby renewed for the period commencing July 1, 2017 to June 30, 2018 in the Inactive Status.
- 2 That the Township Clerk shall forward a certified copy of this resolution to the following:
 - a. N.J. Division of Alcoholic Beverage Control
 - b. Licensee

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 July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-10a	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, the Township Council previously awarded for the period commencing July 1, 2016 to June 30, 2017 certain plenary retail consumption licenses and certain plenary retail distribution licenses and also certain club licenses; and

WHEREAS, the Township Council makes the following findings with respect to the 2017 to 2018 renewal applications submitted to them:

1. The submitted application forms are complete in all respects and the proper fees have been collected.
2. The applicants are qualified to be licensed according to all statutory, regulatory and local government ABC laws and regulations.
3. The applicants have disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the licenses and the licensed premises and/or any additional financing obtained in the previous licensed term for the use in the licensed business.

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

- 1 That the plenary retail consumption license No. 1506-33-012-012 held by KB & RD, LLC t/a Beacons 70, 799 Route 70, Brick is hereby renewed for the period commencing July 1, 2017 to June 30, 2018 in the Inactive Status.
- 2 That the Township Clerk shall forward a certified copy of this resolution to the following:
 - a. N.J. Division of Alcoholic Beverage Control
 - b. Licensee

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 July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	7 Days
4-106	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

RESOLUTION

WHEREAS, an application has been filed for a person-to-person transfer of plenary retail consumption license number 1506-33-032-002 heretofore issued to Mantoloking Road Pub Inc. to be transferred to ZMRA, LLC t/a Mantoloking Road Pub, 247 Mantoloking Road, Brick, NJ 08723; and

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

WHEREAS, no objections have been filed to the proposed person-to-person transfer; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, and the regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the Municipal Clerk has advised that the applicant has disclosed and the issuing authority has reviewed the source of all funds used in the purchase of the license, as well as the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Municipal Clerk has advised that the application for a person-to-person transfer has been submitted in accordance with requirements of the Division of Alcoholic Beverage Control, and the applicant has been reviewed and approved by the Brick Township Police Department; and

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

1. The application for the person-to-person transfer of plenary retail consumption license number 1506-33-032-002 to ZMRA, LLC t/a Mantoloking Road Pub, 247 Mantoloking Road, Brick, NJ 08723 is hereby approved in accordance with the application submitted effective August 14, 2017.
2. That a copy of this resolution shall be forwarded to the Division of Alcoholic Beverage Control and the 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 July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

Agenda #	Date
4-11	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

RESOLUTION

WHEREAS, the Township Council of the Township of Brick is responsible for the issuance an renewal of liquor licenses within the Township of Brick; and

WHEREAS, the Loyal Order of Moose Bricktown Lodge #1862 1506-31-019-002 did not file for a renewal for the 2017-2018 licensing year or seek any continuation of the license; and

WHEREAS the State of New Jersey, Division of Alcoholic Beverage Control has requested a Resolution of the Township Council surrendering the liquor license of the Loyal Order of Moose Bricktown Lodge #1862 1506-31-019-002; and

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

1. Liquor license number 1506-31-019-002, held by the Loyal Order of Moose Bricktown Lodge #1862 is hereby deemed surrendered as a result of the failure of the license holder to seek renewal of the license for the 2017-2018 licensing period.
2. That the Township Clerk shall forward a certified copy of this resolution to the following:
 - a. N.J. Division of Alcoholic Beverage Control
 - b. Licensee

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 July 11, 2017

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
MUNICIPAL CLERK

Agenda #	Date
4-12	7/11/17
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 for the years 2014-2016 on Block 548.02, Lot 26, Account #311250, 2546 Hooper Ave. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2014-2017 from 4,500,000 to 3,641,500.

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>
548.02/26/311250 2546 Hooper Ave.	Bruce J. Stavitsky, Esq for the benefit of Walgreen Eastern Co. Inc.	\$ 18,062.84-2014
		\$ 18,208.78-2015
		<u>\$ 18,698.13-2016</u>
		\$ 54,969.75

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 July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-13a	7/11/17
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 for the years 2011-2016 on Block 921, Lot 14, Account # 517306, 529 Princeton Ave. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2011 from 1,651,400 to 1,600,000, from 1,651,400 to 1,575,000 for 2012, from 1,651,400 to 1,550,000 for 2013, and from 1,781,100 to 1,525,000 for 2014-2017.

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>
921/14/517306 529 Princeton Ave.	David C. Sickel ETAL	\$ 1,025.43-2011
		\$ 1,537.17-2012
		\$ 2,106.08-2013
		\$ 5,419.08-2014
		\$ 5,465.17-2015
		\$ 5,611.15-2016
		\$21,164.08

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 July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-13b	7/11/17
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 for the years 2014-2016 on Block 936, Lot 11, Account # 517472, 705 Princeton Ave. due to State Appeals being granted; and as the State Appeal reduces the assessment for 2014-2016 from 1,412,900 to 1,185,000.

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>
936/11/517472	Jacobus & Assoc, LLC Trustee for	\$ 4,822.36-2014
705 Princeton Ave.	LipyaneK, Robert & Eleanor	\$ 4,863.39-2015
		<u>\$ 4,993.29-2016</u>
		\$14,679.04

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 July 11, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Township this 11th day of July, 2017.

LYNNETTE A. IANNARONE
TOWNSHIP CLERK

Agenda #	Date
4-BC	7/11/17
Agenda #	Date
Agenda #	Date
Agenda #	Date

ORDINANCE

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 145-6 OF THE TOWNSHIP CODE TO EXTEND THE TIME FOR THE WAIVER OF FEES FOR CONSTRUCTION TO PROMOTE THE RENOVATION OF EXISTING VACANT COMMERCIAL STRUCTURES

WHEREAS, as part of its ongoing efforts to rehabilitate existing commercial structures and storefronts in the Township of Brick, the Township Council, in September 2015, created Chapter 145-6 of the Township Code entitled "Waiver of Fees for Construction to Promote the Renovation of Existing Vacant Commercial Structures"; and

WHEREAS, by providing for the waiver of fees for construction projects undertaken to renovate existing vacant commercial properties, the Township Council sought to encourage private property owners and their tenants, to undertake such projects to promote business and development within the Township of Brick; and

WHEREAS, the Mayor and Township Council have determined that the waiver of fees has encouraged property owners and prospective business owners to rehabilitate empty storefront locations and is an effective tool in the effort to rehabilitate vacant commercial structures, including empty storefronts; and

WHEREAS, the Township Council now desires to extend the deadline for the waiver of fees from its current end date of December 31, 2016 for an additional two years, to December 31, 2018.

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. The Township Code of the Township of Brick is hereby amended and supplemented in Chapter 145-6, entitled "Waiver of Fees for Construction to Promote Renovation of Existing Vacant Commercial Structures," which amended Chapter 145-6 shall now read in relevant part as follows:

§ 145-6. Waiver of fees for construction to promote renovation of existing vacant commercial structures.

D. This ordinance shall expire on December 31, 2018 unless extended by the Township Council of the Township of Brick.

SECTION 2. Any provision of Chapter 145-6 not specifically amended herein shall remain the same.

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 11th day of July, 2017, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 25th day of 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

Agenda #	Date
5-1	7/11/17
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.

A. 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.

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nda #	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