

January 10, 2017

An Organizational meeting of the Township Council was held in the Municipal Building at 7p.m. and was called to order at 7:00 p.m.

Township Clerk Iannarone announced adequate notice of this meeting was provided and published in the Asbury Park Press on December 16, 2016. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).

This meeting began with a presentation of the colors by VFW Post #8867 and the salute to the flag with the Invocation given by Deacon William Zapcic.

Present

Councilwoman Marianna Pontoriero
Councilman Paul Mummolo
Councilwoman Heather deJong
Councilwoman Lisa Crate
Councilman Jim Fozman
Councilwoman Andrea Zapcic
Councilman Arthur Halloran

Also Present

Mayor John Ducey
Kevin Starkey, Township Attorney
Lynnette A. Iannarone, Township Clerk
Joanne Bergin, Business Administrator

Motion by Councilwoman Crate and seconded by Councilwoman deJong to nominate Councilman Arthur Halloran as Council President

There were no other nominations.

Motion by Councilwoman Crate and seconded by Councilwoman deJong to close nominations and elect Councilman Arthur Halloran as Council President.

All Council Members voted AYE

Councilman Arthur Halloran was sworn into office of Council President by Mayor Ducey.

Clerk Iannarone presented the gavel to Council President Arthur Halloran.

Motion by Councilwoman Pontoriero and seconded by Councilwoman deJong to nominate Councilwoman Andrea Zapcic as Council Vice President.

There were no other nominations.

Motion by Councilman Mummolo and seconded by Councilwoman deJong to close the nominations and elect Councilwoman Andrea Zapcic as Council Vice President..

All Council Members voted AYE

Councilwoman Andrea Zapcic was sworn into office of Council Vice President by Mayor Ducey.

President Halloran introduced Mayor John G. Ducey for opening remarks.

Mayor Ducey said 2016 is officially in the books and it is time now to look ahead to 2017 and the next twelve months. He said he is looking forward to working with the council, Township staff and with the citizens of Brick Township to continue to make Brick Township a better, better place every single day. He said they have accomplished a great deal over the past few years with still plenty of work to be done. He discussed the following priorities and goals: continue to be fiscally responsible with all of the tax dollars and stability of the tax rate; continue to keep working with the Chief Riccio and Brick PD along with Ocean County Prosecutor's office to combat the heroin epidemic with education, enforcement and a rehabilitation program; changing the landscape of retail America; park improvement projects; and Facebook live hosting. He thanked the council for all their help and support.

President Halloran thanked his colleagues on the council for their support and said he is deeply honored to serve as council president. He said he is looking forward to an effective and productive year as they work to continue making Brick Township the family-friendly community that they know it is. He thanked Mayor Ducey, Joanne Bergin and Mr. Starkey

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for their support. He said he is looking forward to working with all along with the Brick Township employees this year to continue their work.

Mayor Ducey announced his appointments to the following Boards:

- **Architectural Review**
- **B-MAC (Brick Municipal Anti-Drug Coalition)**
- **Environmental Commission**
- **Historic Preservation**
- **Planning Board**
- **Property Maintenance**
- **Shade Tree**
- **Sustainable Brick Township**

Motion by Councilwoman Pontoriero and seconded by Councilwoman Crate to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

Authorize Appointment of Class III Planning Board Member

President Halloran stated this resolution appoints Councilman Paul Mummolo as a Class III member of the Planning Board and as a member of the Architectural Review Committee for a one-year term effective January 10, 2017 and expiring December 31, 2017.

Motion by Vice President Zapcic and seconded by Councilwoman deJong to adopt the following Resolutions:

All Council Members voted AYE on Roll Call, except:

Councilman Mummolo ABSTAINED on *Authorize Appointment of Two Commissioners and One Alternate I to the Municipal Utilities Authority*;

Councilman Fozman abstained on *Authorize Mayor to enter into fair and open professional services contract for Legal Services Pool – Wisniewski & Associates, Authorize Appointments to the Ethics Information Committee and Authorize Appointment of Two Commissioners and One Alternate I to the Municipal Utilities Authority*

Establish Council Meeting Dates – 2017

President Halloran stated this resolution establishes Council meeting dates for 2017.

Establish Bank Depositories/Cash Management Plan – 2017

President Halloran stated this resolution adopts a Cash Management Plan and establishes bank depositories as part of that plan. The cash management plan is an annual requirement for all municipalities and is developed by our CFO in accordance with Local Fiscal Affairs Law.

Authorize Payment of the Township's 2017 Debt Service

Mayor Ducey explained this resolution authorizes the payment of the Township's debt service for 2017. He said as part of the Mayor's Debt Reduction Plan, they have reduced the net debt of the Township by \$17 million since he took office on January 1, 2014. He said they will further reduce the net debt of the Township by \$1.5 million during 2017, which includes the anticipated approval of an \$8.5 million Capital Program.

Authorize 2017 Temporary Budget

President Halloran stated this resolution authorizes the adoption of a temporary budget which must be done within the first 30 days of January so that commitments and payments can be made prior to the adoption of the budget.

Authorize 2017 Temporary Capital Budget

President Halloran stated this resolution establishes a 2017 temporary capital budget and specifies the first project they know will be included in that budget, which are the NJDCA funds for the demolition and disposal of structures. The program requires the Township to set up the financing via ordinance, which will be introduced later on this agenda, and also must be included in the 2017 capital budget. He said as they continue to identify the expenditures anticipated in the 2017 capital budget, additional amendments will be presented.

Designate Public Agency Compliance Officer

President Halloran stated this resolution designates Township Purchasing Agent Maryann Jusinski as Brick Township's Public Agency Compliance Officer for a one-year period. The New Jersey Department of the Treasury Affirmative Action Office requires that municipalities designate an official to act as a liaison to serve as Public Agency Compliance Officer.

Designate Agent for Taxing District re: Ocean County Board of Taxation.

This resolution designates the Tax Assessor or Municipal Attorney as authorized to act as the agent for the Taxing District during the year of 2017 and to execute stipulations of settlement on any tax appeal or complaint filed by the taxing district or by a taxpayer in the tax year 2017.

Authorize Petty Cash Funds

President Halloran stated this resolution authorizes petty cash funds as needed in the Township Clerk's Office, Police Department, Public Works, Land Use and Parks departments.

President Halloran noted the following agenda items are annual appointments made by the Township Council for various professional services. He explained the fair and open process is as follows: the Township Council authorizes the solicitation of bids, the Purchasing Agent then issues Request for Proposals for these services. He said in accordance with the Local Public Contracts Law, bids are received and opened at an advertised date and time, which is open to the public. Those bids are first reviewed by our Purchasing Agent for compliance with the bid specifications, and those that meet all of the requirements are provided to the appropriate department or division head for review and recommendation to the Purchasing Agent. He said their recommendations are made in writing and copies are provided to the Township Council as part of the annual appointment process.

Authorize advice and consent for fair and open professional services contract with Township Attorney

President Halloran stated this resolution authorizes approval for a contract award be made to Starkey, Kelly, Kenneally, Cunningham & Turnbach, Brick, NJ as Township Attorney.

Authorize advice and consent for fair and open professional services contract with Municipal Prosecutor, Alternate and Conflict Prosecutor

Vice President Zapcic said this resolution authorizes the contract awards be made to the following professionals:

- Municipal Prosecutor: Long Marmero & Associates
- Alternate Prosecutor: Long Marmero & Associates, Diegnan & Brophy, and Rothstein, Mandell, Strohm, Halm & Kurs.
- Conflict Prosecutor, Bathgate, Wegener & Wolf, and Eric M. Bernstein & Associates

Authorize advice and consent for fair and open professional services contract with Municipal Public Defender, Alternate and Conflict Public Defender

Councilwoman deJong said this resolution authorizes the contract award be made to the following professionals:

- Municipal Public Defender, Matthew R. Sage
- Alternate Public Defender, Christopher J. Grenda; Sinn, Fitzsimmons, Cantoli, Bogan, West & Steuerman; Charles Tivenan; and Cleary, Giacobbe, Alfieri & Jacobs
- Conflict Public Defender, Brian J. DeStefano, Sinn, Fitzsimmons, Cantoli, Bogan, West & Steuerman; Charles Tivenan; Carolyn S. Kalson; Carluccio, Leone, Dimon, Doyle & Sacks; Cleary, Giacobbe, Alfieri & Jacobs; Montenegro, Thompson, Montenegro & Genz; Leib Klein, and Christopher Grenda

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Authorize Mayor to enter into fair and open professional services contract for Legal Counsel for Redevelopment Issues

President Halloran stated this resolution authorizes a professional services contract with McManimon, Scotland, Baumann as legal counsel for redevelopment issues.

Authorize Mayor to enter into fair and open professional services contract for Township Auditor

President Halloran stated this resolution authorizes a professional services contract with Fallon & Larsen, LLP as municipal auditor.

Authorize Mayor to enter into fair and open professional services contract for Professional Accountant Services

President Halloran stated this resolution authorizes a professional services contract with Bowman & Company for professional accountant services.

Authorize Mayor to enter into fair and open professional services contract for Affordable Housing Counsel

President Halloran stated this resolution authorizes a professional services contract with DeCotiis, FitzPatrick & Cole for affordable housing counsel.

Authorize Mayor to enter into fair and open professional services contract for Legal Services Pool

President Halloran stated this resolution authorizes professional services contracts be made to a pool of professionals in several categories:

- Tax appeal counsel: Inglesino, Webster, Wyciskala & Taylor LLC; and Starkey, Kelly, Kenneally, Cunningham & Turnbach
- Attorney pool: Weiner Lesniak, LLP; Charles P. Tivenan; Montenegro, Thompson, Montenegro & Genz; Secare & Hensel; Wisniewski & Associates; Diegnan & Brophy; Decotiis, Fitzpatrick & Cole; Long, Marmero and Associates; Monica Kowalski; Florio, Perrucci, Steinhardt & Fader; Apruzzese, McDermott, Mastro & Murphy; Inglesino, Webster, Wyciskala & Taylor; and Durkin & Durkin
- Tax Foreclosure Counsel: Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill; and Wisniewski & Associates

Authorize Mayor to enter into fair and open professional services contract for Engineering Services Pool

Councilwoman Crate said this resolution authorizes professional services contracts be made to a pool of professionals including:

- Engineering/Surveying Pool: CME Associates; Maser Consulting; Suburban Consulting Engineers, H2M Associates; Prestige Environmental; Mott MacDonald; Matrix New World Engineering; and ARH Associates
- Environmental Engineer: Adams, Rehmann & Heggan; CME Associates; H2M Associates; Mott MacDonald; Prestige Environmental; and Suburban Consulting Engineers

Authorize Mayor to enter into fair and open professional services contract for Architectural Services Pool

Councilman Mummolo said this resolution authorizes professional services contracts be made to a pool of professionals including: DMR Architects; Barlo, Governale & Associates; and Tokarski & Millemann Architects.

Authorize Mayor to enter into fair and open professional services contract for Bond Counsel

President Halloran stated this resolution authorizes a professional services contract with Wilentz, Goldman & Spitzer for bond counsel.

Authorize Mayor to enter into fair and open professional services contract for Financial Advisor

President Halloran stated this resolution authorizes a professional services contract with NW Financial Group for financial advisor.

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Authorize Mayor to enter into fair and open professional services contract for Property Appraisal/Property Inspection Services Pool

President Halloran stated this resolution authorizes a professional services contract for appraisal/property inspection services pool to Henry J. Mancini & Associates, Inc. and Starmark Appraisals.

Authorize Mayor to enter into fair and open professional services contract for Property Maintenance Board Attorney

President Halloran stated this resolution authorizes a professional services contract with Charles D. Bauer for property maintenance board attorney.

Authorize Mayor to enter into fair and open professional services contract for Hearing Officer

President Halloran stated this resolution authorizes a professional services contract with Diegnan & Brophy for hearing officer.

Authorize Mayor to enter into fair and open professional services contract for Animal Control Officer Services

President Halloran stated this resolution authorizes a professional services contract with A-Academy of South Jersey for animal control officer.

Authorize Mayor to enter into fair and open professional services contract for Insurance Broker & Consulting Services

President Halloran stated this resolution authorizes a professional services contract with Fairview Insurance Agency Associates for Insurance Broker/Consultant for medical, prescription, COBRA administration and stop loss insurance; and to Insurance Management & Consulting as the Township Insurance Broker/Consultant for vision and dental programs.

Authorize Mayor to enter into fair and open professional services contract for Planning Services Pool

Council Fozman said this resolution authorizes professional services contracts be made to a pool of professionals including: CME Associates, H2M, Maser Consulting, Matrix New World and Tetra Tech.

Authorize Mayor to enter into fair and open professional services contract for Code Enforcement Prosecutor

President Halloran stated this resolution authorizes a professional service contract be made to Diegnan & Brophy for code enforcement prosecutor.

Authorize Mayor to enter into fair and open professional services contract for Veterinary Services

President Halloran stated this resolution authorizes the award of contract for veterinary services on as-needed basis to Cedars Veterinary Hospital, Brick, and Jersey Shore Veterinary Emergency Service, Lakewood.

Authorize Purchasing Agent to enter into certain contracts for purchases and services with certain vendors under State Contracts

President Halloran stated this resolution authorizes the purchasing agent to enter into agreements on behalf of the Township for the performance of work or the furnishing of materials, equipment or supplies in accordance with state statute.

Authorize Execution of a Schedule "C" Agreement with County of Ocean for 2017

President Halloran stated this resolution authorizes the execution of a Schedule C agreement with the County of Ocean. The County provides certain goods and services if needed to Municipalities who are charged labor and equipment rates as outlined in the agreement. These services include mowing, snow plowing, road overlay, traffic signal repair and vehicle maintenance services. Many of these services we do in-house, so they rarely use the County, but they do participate each year in the event we have a project that would be a good fit for this program.

Authorize Receipt of Bids – Vacant and Abandoned Property Services

President Halloran stated this resolution authorizes the receipt of bids for vacant and abandoned property services. In 2016, the council adopted and published an abandoned

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property list. There are 164 properties on this list and adopting it was the first and most important step in order for the Township to systematically address problems in the town caused by vacant and abandoned properties. He said this RFP will solicit proposals from companies that can assist the Township in completing the next steps that include formal notification to these property owners, and monitoring the abandoned properties will to ensure code compliance. He said their goal is to remove as many properties as possible from the registry, whether it be rehabilitation, a property sale, or new occupancy. He advised companies responding to this RFP will also process a special tax lien sale, where contractors can bid on these homes, foreclosure and renovate. He said through this process, the Township will set controls to ensure that expert contractors are hired and meet obligations.

Authorize Execution of a Grant/Loan Agreement with NJDCA for Reimbursement Funding Demolition & Disposal of Unsafe Buildings

Mayor Ducey explained this resolution authorizes the execution of a grant/loan agreement with the NJ Department of Community Affairs for the Unsafe Building Demolition Fund Program for funding needed to demolish unsafe, abandoned and dilapidated homes as directed by the Township's Property Maintenance Board. He said the great thing about this it is a zero percent loan and eventually when they can sell off these properties due to a tax sale or whatever the case may be the Township will be the first to get reimbursed.

Authorize Three Members and One Alternate I to Board of Adjustment

Councilman Mummolo said this resolution authorizes the appointment to the Board Adjustment of David Chadwick for an unexpired term effective January 10, 2017 and expiring December 31, 2017; Harvey Langer and Mike Jamnik for four-year terms effective January 10, 2017 and expiring December 31, 2020; Raymond Claudio as an alternate 1 member for a two-year term effective January 10, 2017 and expiring December 31, 2018.

Authorize Appointments to the Property Maintenance Board

President Halloran stated this resolution authorizes the appointments of George Cevasco, Joseph Gilsenan, James Hogan, George Scott and Sandra Thomas to the Property Maintenance Board for a term to expire on December 31, 2017 and two alternates, Joanne Bergin and Stephen Brill, for a term to expire on December 31, 2017.

Authorize Appointments to the Tourist Development Commission

Councilwoman Crate said this resolution authorizes the appointments of Tarun Patel and Nicholas DeAngelo as members of the Tourist Development Commission for a two-year term effective January 10, 2017 and expiring on December 31, 2018. Additionally, Councilwoman Heather deJong is appointed as the Council Representative as a member of the Tourism Development Commission for a one-year term expiring on December 31, 2017.

Authorize Appointments to the Ethics Information Committee

Councilwoman Crate said this resolution authorizes the following appointments to the Ethics Information Committee: Councilwoman Heather deJong, Councilman Jim Fozman, Councilwoman Andrea Zapcic, Donna Curtis, Jonathan Knowsley and Janet Buonagura.

Authorize Appointment of Two Commissioners and One Alternate I to the Municipal Utilities Authority

Councilwoman deJong said this resolution authorizes the appointments to the Municipal Utilities Authority: Susan Lydecker to a five-year term expiring January 31, 2022; Maria Foster to the remainder of an unexpired five-year term expiring January 31, 2020; and William Neafsey to the remainder of an unexpired five-year term expiring January 31, 2020.

Authorize Class I Officers to attend Ocean County Police Academy

Councilwoman Pontoriero said this resolution authorizes 5 qualified candidates to go for training at the Ocean County Police Academy for Class I Special Officers. In accordance with the existing PBA contract, the Township has 25 special police officers that are used for a variety of tasks including special events, court security and bookings. These candidates do not exceed that number.

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Authorize Placement of Tax Liens for Property Clean-ups

This resolution authorizes the placement of tax liens for property cleanups at 482 Bara Street, Block 175, Lot 2 in the amount of \$12,017.39; and 39 Lancaster Road, Block 638, Lot 27 in the amount of \$7,030.97.

Performance Bond Release – Meridian Hospital – Jack Martin Blvd

President Halloran stated this resolution releases the surety bond in the amount of \$3,516,960.04 and a cash performance bond in the amount of \$390,773.34 be returned to the applicant.

Recognize 2017 Incoming Officers:

Brick Volunteer EMS Squad

Vice President Zapcic stated the new officers of the Brick Volunteer EMS Squad are: President Douglas Doerrhoefer, Vice President Mary Ferguson, Secretary Kim McGuire, Treasurer John Wandras, Trustee Abe Epstein, and Donald Degraff. Captain Trudy San Jose and Lieutenants Dennis Gino and Carmela Ruvolo.

Breton Woods Fire Company

Councilwoman deJong stated the new officers of the Breton Woods Fire Company are: President Fred Poppe, Vice President Brian Poppe, Secretary John Rotundo, Jr., Treasurer David Brown, Trustees Steve Gerling, Raymond Ostarticki, Edwin Ramos and Christopher Fredericks, Chief Thomas Bisbal, Captain Brian Streiter and Chief Engineer Christopher Allfrey.

Herbertsville Fire Company

Councilman Fozman stated the new officers of the Herbertsville Fire Company are: President Mark Christensen, Vice President Michael DeCandia, Treasurer Barry Osborn, Secretary Robert Salmon and Assistant Treasurer James Lepore, Chief William Robbins, Assistant Chief David Sanchez, Captain James Lepore, 1st lieutenant Jim Scott, 2nd Lieutenant Michael DeCandia and 2nd Lieutenant Dan Salerno.

Laurelton Fire Company

Councilwoman Crate stated the new officers of the Laurelton Fire Company are: President William Behr, Vice President Robert Contreras, Treasurer Joseph Pawlowicz, Jr., Recording Secretary George Murphy, Corresponding Secretary Gregory Kavanagh, Sergeant at Arms Joseph Hulsart, Trustee Frank Gaspich, Chief Tim Cranmer, Assistant Chief Paul Mazzeo, Captains David Bahrenburg, John Hefferon III and Chris Ackermann.

Pioneer Hose Fire Company

Councilwoman Pontoriero stated the new officers of the Pioneer Hose Fire Company are: President Francis Devaney, Vice President William Magnusson, Chief David Lindholm, Assistant Chief Ron Gaskill, Jr., Captain Joseph Licandro, Lieutenant Joseph Ferreria, Engineer John Koester, Treasurer Vincent Pischettola, Secretary Elaina Bec and Trustees Gary Avazier, Peter Quinlan, Ed Slowinski, Chris Morrison Sr., and Wally Eaton.

President Halloran opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, congratulated President Halloran and Vice President Zapcic on their appointments. She questioned the amount of the debt service; and what are the duties of POAC; she questioned the process on the fair and open process.

President Halloran reiterated his explanation of the fair and open process.

Joanne Bergin answered Ms. Coll's questions.

Richie Campbell, Bretonian Drive, questioned the salary of the Code Enforcement Prosecutor.

Joanne Bergin advised the Code Enforcement Prosecutor is a new position who will focus solely on code enforcement issues with a court appearance once a month and he is paid on an hourly basis not as employee with a salary.

Sam Foster, Teakwood Drive, congratulated President Halloran and Vice President Zapcic on their appointment. He asked for clarification on the Class 1 Officers who attend the

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Ocean County Police Academy.

Joanne Bergin gave an explanation on the Class 1 Officers.

There were no further comments from the audience.

President Halloran closed the public hearing on the Resolutions.

President Halloran opened the public hearing on the Manual Bill Resolution.

There were no comments from the audience.

President Halloran closed the public hearing on the Manual Bill Resolution

Motion by Vice President Zapcic and seconded by Councilman Mummolo to adopt the following Resolution.

All Council Members voted AYE on Roll Call.

2017 Manual Bill Resolution in the amount of \$13,133,118.46

Ordinance on First Reading: Bond Ordinance for Demolition of Unsafe Buildings & Structures.

Clerk Iannarone read the title of the Ordinance into the Record

President Halloran explained in 2016 the Council applied for, and received \$300,000.00 in funding from the NJ Department of Community Affairs for the Unsafe Building Demolition Fund Program for funding needed to demolish unsafe, abandoned and dilapidated homes as directed by the Township's Property Maintenance Board. He said the State requires the Township to bond the full amount and then submit reimbursement paperwork once the demolitions are complete

Motion by Councilwoman deJong and seconded by Vice President Zapcic to adopt the following Ordinance on First Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call.

BOND ORDINANCE PROVIDING FOR THE DEMOLITION OF UNSAFE BUILDINGS AND STRUCTURES, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 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 \$300,000, said sum being inclusive of a down payment in the amount of \$15,000 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 \$300,000 appropriation not provided for by application hereunder of said \$15,000 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$285,000 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

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\$285,000 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 demolition of unsafe buildings and structures as more fully described in Section C of the Grant/Loan Agreement between the State of New Jersey Department of Community Affairs and the Township of Brick.

(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 \$285,000.

(d) The estimated cost of said improvements and purposes is \$300,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$15,000 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 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. However, the properties on which buildings or structures are demolished, as more specifically described in Section 3(a) of this bond ordinance, shall be subject to liens for the costs of such demolition pursuant to N.J.S.A. 40:48-1(15). Further, the owners of such properties shall also be liable for the costs of such demolition pursuant to N.J.S.A. 40:48-1.1.

(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

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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 \$285,000, 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 \$300,000 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 7. To the extent that the Township may recover all or part of the costs of undertaking the purposes described in Section 3 of this bond ordinance, either as a result of the collection of liens imposed pursuant to N.J.S.A. 40:48-1.1, shall be used to make payment of any obligations issued pursuant to this bond ordinance.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and 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 \$285,000. 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.

President Halloran opened the public hearing portion of the meeting.

Sam Foster, Teakwood Drive, complimented the DPW on the snow removal. He questioned if the Township changed from road salt to a spray on the roads. He asked for an update on Foodtown litigation

Mayor Ducey replied they are using a brine solution which is sprayed.

Kevin Starkey replied the litigation with the Foodtown site will be coming to a head soon the trial is coming up and that should offer some clarity to the situation.

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Nan Coll, 18 Greenbriar Boulevard, spoke about Comcast and questioned if the Foodtown trial is open to the public and asked where and when.

Kevin Starkey said the court is always open to the public and noted he will keep everyone apprised of the outcome.

Richie Campbell, Bretonian Drive, spoke about the heroin epidemic in Brick Township.

John Sluka, 950 Sylvia Court, read his letter regarding the parkway construction project.

There were no further comments from the audience.

President Halloran closed the public hearing portion of the meeting.

Joanne Bergin said on behalf of the Township employees they are honored and privileged to serve the residents of Brick Township, Mayor and Council.

Mayor Ducey said it was a pleasure to have the former council president for the past two years and congratulated the new council president and vice president on their appointment. He spoke about the HARP program.

Kevin Starkey congratulated the new council president and vice president.

Councilman Fozman congratulated his council colleagues on their appointments and the residents who have stepped up to serve on the various committees. He said it is an honor to serve his 6th year as a council member.

Councilman Mummolo congratulated the new council president and vice president. He thanked the Brick Township staff for all their support during his two year term as president. He thanked the VFW for their presentation of colors.

Councilwoman deJong congratulated Council President Halloran and Vice President Zapcic and wished them luck.

Councilwoman Crate thanked Councilman Mummolo and congratulated Council President Halloran and Vice President Halloran on their appointment.

Councilwoman Pontoriero said she is looking forward to working with the new president and vice president. She thanked Councilman Mummolo for all his hard work as president. She thanked Deacon Zapcic for the invocation.

Vice President Zapcic thanked Councilman Mummolo for his leadership over the past two years. She quoted "We can do no great things only small things with great love" – a quote from Mother Theresa. She thanked her colleagues for their vote of confidence to serve as vice president. She said she is looking forward to 2017 that they will work together with great love to do many things to help make Brick Township better.

President Halloran wished the best and thanked former Council President Mummolo and former Vice President Pontoriero for the dedication and their support. He thanked Deacon Zapcic for the invocation. He thanked his wife for her support. He congratulated all the new appointees on the various boards. He thanked the VFW for their presentation of colors.

Motion by Councilwoman Pontoriero and seconded by Councilwoman deJong to Adjourn the meeting at 9:00 p.m.

All Council Members voted AYE.

Arthur Halloran
Council President

Lynnette A. Iannarone
Township Clerk