

January 24, 2017

A combined Caucus/Public meeting of the Township Council was held in the Municipal Building at 7:00 p.m. and was called to order at 7:00 p.m.

Present

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

Also Present

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

Clerk Iannarone announced adequate notice of this meeting was provided and published in 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 the salute to the flag led by Cub Scout Troop #39 followed by a moment of silence.

The Clerk was directed to accept and file the Building & Construction, Certificate of Occupancy, Engineering, Sewer & Water and Vital Statistics Reports for the month of December 2016.

Students of the Month

Mayor Ducey, President Halloran along with Councilwoman Crate recognized the Students of the Month for December 2016. Councilwoman Crate named the Brick Township High School Students of the Month and presented certificates to: Angel Isidro, Abigail Clark, Michael Nardoza and Kayla Pressey. She also named and presented certificates to Brick Memorial High School Students of the Month: Caleb Carr, Jessica Glass, Brian Gerard, Tyler Chuck, Sadie Fastnacht, Jessie Maccioli, Erin Jaspán and Olivia Strother.

Motion by Councilman Mummolo and seconded by Councilwoman Pontoriero to adopt the following Resolutions:

All Council Members voted AYE on Roll Call.

Authorize Amendment to the 2017 Temporary Budget

President Halloran stated this resolution authorizes an amendment to the temporary budget which was approved at the January 10th council meeting so that commitments and payments can be made prior to the adoption of the budget.

Authorize Budget Appropriation Transfers

President Halloran stated this resolution authorizes budget appropriation transfers in the amount of \$82,400.00 based on cost projections through year end. This transfer does not increase the overall municipal budget. He advised end-of-year transfers are a common practice for all municipalities, especially those as big as Brick Township with an annual budget of \$104 million.

Authorize Submission of Grant Application with NJDOT – Birchwood Park Area Roadway Improvement Project Phase 3

President Halloran stated this resolution authorizes the submission of a NJDOT Municipal Aid application for roadway improvements in the Birchwood Park area. The section they are seeking funds includes portions of Sprucewood Drive, Orangewood Drive, Orangewood Court, Elmwood Drive, Elmwood Court, Elmwood Place, Oakwood Drive and Larchwood Drive.

Authorize Submission of Application – Ocean County Tourism Grant.

President Halloran stated this resolution authorizes submission of an Ocean County Tourism Grant in the amount of \$1,500.00 for the printing of the Summerfest advertisements and the Recreation Brochure.

Authorize Receipt of Bids – Labor Counsel

President Halloran stated this resolution authorizes the receipt of bids for labor counsel for 2017.

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Authorize Receipt of Bids – Janitorial Services

President Halloran stated this resolution authorizes the receipt of bids for janitorial services for the Municipal Complex, Civic Plaza, Department of Public Works, Drum Point Complex Office, Cultural Arts Center and the EMS Annex. The current two-year contract will expire on February 22, 2017.

Authorize Receipt of Bids – SummerFest Food Vendors

President Halloran stated this resolution authorizes receipt of bids from vendors to provide food and refreshments during the 2017 Summerfest events.

Authorize Receipt of Bids – Beer & Wine Garden Concession

President Halloran stated this resolution authorizes receipt of bids from vendors who currently have the appropriate ABC licensing to provide a beer and wine concession during various events in 2017. Last year, this bid for concession brought in \$4,900.00.

Authorize Receipt of Bids – ATM Vending Machine – SummerFest, Fall Fest & Trader’s Cove Marina

President Halloran stated this resolution authorizes receipt of bids from vendors to provide Automated Teller Machine at various locations. Last year, the Township solicited bids on two occasions but received no bids.

Authorize Receipt of Bids – Fireworks Display for SummerFest & Fall Fest

President Halloran stated in previous years, the Township solicited proposals for this service at a cost not to exceed \$17,500.00 which included fireworks for four (4) Summerfest events. He said for the 2017 season it is anticipated that there will be four (4) Summerfest events and the Fall Fest event. He said fireworks will be displayed at all events. He advised it is anticipated the cost for the fireworks display will exceed the \$17,500.00 threshold, which requires us to go out for bids.

Authorize Receipt of Bids – Fall Fest Food Vendors

President Halloran stated this resolution authorizes the receipt of bids from vendors to provide food and refreshments for the 2017 Fall Fest event.

Authorize Receipt of Bids – Mobile Food Vendor at Windward Beach & Trader’s Cove Marina

President Halloran stated this resolution authorizes the Township to solicit bids from vendors who currently have the appropriate certificates to provide a Mobile Food Vendor at Windward Beach and Trader’s Cove Marina for the 2017 summer season. He advised last year, the township received \$934.00 for this service. He explained the mobile food vendor will be required to provide ice cream and cold drinks and can circulate exclusively through these two parks between the hours of 11 am and 8 pm seven days a week from Memorial Day to Labor Day. The only exception to this schedule is the township’s Summerfest concerts, the Annual car show and Kids Night Out, where vendors are already scheduled as part of a separate bid.

Authorize Receipt of Bids – Ice Machine Concession

Councilman Fozman explained the purchase of an ice machine for Trader’s Cove Marina was included in the 2016 Capital budget; however, they are going out to bid from vendors who have this equipment and would rent the machine to the Township as well as provide the necessary parts and supplies and be responsible for servicing the equipment. He said once they receive bids, they will compare costs and service options and determine which method makes the most sense from an operational standpoint.

Authorize Award of Bid – Purchase & Delivery of One Automated 40 Cubic Yard Front Loader Refuse Collection Vehicle

Councilman Fozman said this resolution authorizes the award of bid for one automated 40 cubic yard front loader refuse collection vehicle to Hunter Jersey Peterbilt, Clarksburg, in the amount of \$259,750.00. He advised the Director of Public Works has reviewed the technical requirements and recommended the bid be awarded to the lowest responsible bidder. He said notice of this bid was sent to 64 bidders on the bidder’s list of that 64, three (3) bidders requested the bid package and one bid was received and noted the purchase of this truck was approved in the 2016 Capital budget.

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Authorize Award of Bid – Purchase & Delivery of One 29 Cubic Yard Rear Loader Refuse Collection Vehicle

Councilman Fozman said this resolution authorizes the award of bid for one 2017 or newer automated 29 cubic yard rear loader refuse collection vehicle to Hunter Jersey Peterbilt, Clarksburg, in the amount of \$212,500.00. He advised the Director of Public Works has reviewed the technical requirements and recommended the bid be awarded to the lowest responsible bidder. He said notice of this bid was sent to 64 bidders on the bidder's list of that 64, three (3) bidders requested the bid package and one bid was received and noted the purchase of this truck was approved in the 2016 Capital budget.

Authorize Award of Bid – Purchase & Delivery of One 33 Cubic Yard Side Loader Refuse Collection Vehicle

Councilman Fozman said this resolution authorizes the award of bid for the purchase and delivery of one 2017 or newer 33 cubic yard side loader refuse collection vehicle to Hunter Jersey Peterbilt, Clarksburg, in the amount of \$269,900.00. He advised the Director of Public Works has reviewed the technical requirements and recommended the bid be awarded to the lowest responsible bidder. He said notice of this bid was sent to 64 bidders on the bidder's list of that 64, three (3) bidders requested the bid package and one bid was received and noted the purchase of this truck was approved in the 2016 Capital budget.

Authorize Award of Re-Bid – HVAC Units at Civic Plaza

President Halloran stated this resolution authorizes the rebid for the replacement of HVAC units at Civic Plaza to POW/R/SAVE Inc., Clifton, for a contract not to exceed \$75,000.00 per year for replacement units that will be ordered on an as-need basis during the term of the contract. He advised notice was mailed to 49 prospective bidders; seven bidders picked up bid packages and seven bids were received. He said POW/R/SAVE visited the site as required and was the low bidder and noted the bid is for a one-year period ending January 24, 2018.

Authorize Award of Contract – Purchase & Delivery of Two Ford Super Duty F-550 4 Wheel Drive Trucks through NJPA National Cooperative

President Halloran stated the Township has an agreement with the National Joint Powers Alliance (NJPA) to purchase goods and/or services in order to make the procurement process more efficient and to provide cost savings to the Township. He said the NJPA is a National Coop Program. He advised the Director of Public Works would like to use the Coop for the purchase and delivery of two 2017 Ford Super Duty F-550 trucks. He said the NJPA has a contract available for these dump trucks. He advised the contract has been awarded to National Auto Fleet Group, Watsonville, CA and each truck will cost \$62,388.00 or a total cost of \$124,776.00 and noted the purchase of these trucks was approved in the 2016 Capital budget.

Authorize Award of Bid – CDBG Housing Rehabilitation Program Project #07-10

Mayor Ducey said the Township Planner has recommended award of bid for the housing rehabilitation component of the Community Development Block Grant (CDBG) program to Russo Seamless Gutters, Farmingdale, NJ for a total bid amount of \$18,630.00. He said bid notices were mailed to 45 prospective bidders, of which six picked up packages. He said of the two bids received, Russo Seamless Gutters was the lowest responsive and responsible bidder and this award is project specific to Housing Rehabilitation. He explained as part of the CDBG program, the Township receives approximately \$260,000.00 per year from HUD to facilitate both housing rehabilitation projects and to support the community's non-profit organizations that provide essential assistance to those most in need. He stated the Township's Land Use Department facilitates the program and ensures that applicants meet HUD's criteria for low- and moderate-income.

Authorize Rejection of Bids & Re-Bid – Multi-Camera Digital Video Recording System

President Halloran stated this resolution authorizes the rejection of the two bids received for the rebid and purchase and delivery of a multi-camera digital video recording system including video server, video on demand and bulletin board technology. He advised the two bids received were both rejected due to flaws in their submissions, which require them to be rejected. He said the Township will re-advertise for this service.

Authorize Change Order No. 1 – Roadway Improvements to Lakewood Gardens Phase II

Mayor Ducey explained this resolution authorizes a change order in the roadway improvements to Lakewood Gardens project currently being completed by Lucas Brothers Construction. A reduction in project quantities allowed us to increase the scope of the project by extending the

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paving limits on Ashland Street. He advised this change order does not change the contract amount.

Authorize Change Order No. 2 – Roadway Improvements to Isolated Streets

Mayor Ducey explained this resolution authorizes a change order in the roadway improvements to isolated streets project being completed by Esposito Construction. He said this is a reduction in project quantities and it allowed them to increase the scope of the project to connect the recently installed storm sewers to an outfall pipe on Shore Drive. He said this change order does not change the contract amount. He advised the isolated streets program allows the Township to improve roadways not connected to other large-scale projects that are in dire need of attention. He noted they made improvements to Firehouse Road, Shore Drive, Plaza Terrace West, Ridge Road, G Street, and Sunset Court.

Authorize Change Order No. 2 – Final – 2010 Road Improvements Program

Mayor Ducey said that this resolution authorizes the final change order for the 2010 Road Improvement Program completed by Earle Asphalt Company. He said the change order represents the difference in contract value as a result of the as-built quantities. He explained as a result of contract negotiations resulting from pending litigation, Earle agreed to surrender the retainage to the Township. He said there is a total contract reduction in the amount of \$312,370.60. He advised the Township will use these funds to crack, seal and microsurface the streets included in this program in portions of Hollywood Manor, portions of Laurelton Park and the northern section of Glenwood Drive and Glenwood Place this spring.

Authorize Change Order No. 2 – Final – Angela Hibbard Park Improvements Project

President Halloran stated this resolution authorizes a decrease in the amount of \$42,633.04 to the contract with Precise Construction for the Angela Hibbard Park Improvement Project. He said this decrease represents an as-built quantity adjustment.

Authorize Sale of Surplus Property – Solar Renewable Energy Certificates (SREC's) – Flettexchange.com Auction

President Halloran stated this resolution authorizes the sale of the Township's Solar Renewable Energy Credits through a public auction. He said the Township of Brick intends to utilize the online auction services of Flett Exchange. He advised there are 138 SRECs from the Township's rooftop and parking lot solar panels to auction on the Flett Exchange website. He said in June, the Township utilized Flett Exchange for the sale of SRECs through public auction and received \$123,366.98.

Authorize Memorandum of Agreement – Police Benevolent Association Local 230

Mayor Ducey explained this resolution authorizes a memorandum of agreement with the PBA Local 230 to allow for a schedule change for the patrol division for a one-year trial period from a 4-2 patrol schedule to a 4-4 patrol schedule which modifies the schedule from 8-hour days to 10.25 hour days. He said the modified schedule is being implemented for a one-year trial period to confirm what they expect will be beneficial outcomes both practically and financially. The schedule change allows them to increase police coverage during peak workloads, increase training without adverse impact on the patrol schedule, improve morale in the sense that they will be much more likely to be able to approve time off requests, which is something they have not always been able to do, and reduce overtime expenditures in the operations division. He said under the current schedule officers work 2,019 hours per year and will continue to work 2,019 hours both on patrol and in the form of supplemental coverage days, which are a critical component to the efficient and effective use of the 4-4 schedule. The 4-4 schedule has 13 supplemental coverage days built in to the schedule for each officer. Officers will be responsible for attending training or completing designated details on one of their 13 supplemental coverage days. The use of supplemental coverage days for training, special details and schooling will maximize the amount of manpower on any given shift. He said Supplemental coverage days will be used for: in-service training or schooling, Summerfest and Fall Fest, holiday patrol, court security, Halloween/Mischief Night, special details including selective enforcement and targeted patrols, community policing, Night Out Against Crime and seasonal boat details. He advised supplemental coverage days will be taken equitably throughout the year and will be in blocks of 5 or 10 hours. Supplemental coverage days can be used in place of overtime when working full patrol shifts. He said they believe the new schedule will provide better service to the community because we will be staffing officers in peak hours, with overlap during shift changes. It will provide a financial benefit as well with the decrease in the operating budget by cutting overtime costs. He said in looking at the breakout of areas charged to overtime, they will be able to

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eliminate seven (7) areas from the overtime pool and instead have those covered as a supplemental coverage day. Those are court security, special details, Summerfest and Fall Fest, holiday patrols, boat unit, SERT and training. He said in year one, they have a guaranteed savings of \$318,810.00 and noted that is the minimum guaranteed savings, with potentially more should they see additional areas impacted by the use of supplemental coverage days. He said a conservative estimate of 25 percent savings in other areas has the potential to result in a savings of more than \$500,000.00 in overtime. He advised this new schedule has been discussed and vetted thoroughly for more than a year. The idea first started with the superior officers, who felt a change was needed based on the growing number of vacation requests that had to be denied due to staffing and the regular need to require overtime and double shifts. The patrol officers will see an immediate and significant quality of life improvement and supervisors will have the ability to staff the patrol division more equitably during peak times. He said from a financial perspective, the overtime savings is hugely beneficial. This is a win-win for the Township and he thanked Chief Riccio, Captain Don Ling, Lt. Terrence Covert and the members of PBA Local 230 for their hard work researching options and developing this proposal.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Performance Bond Reduction #2 – Jerald Development – Off Chambers Bridge Road in the amount of \$15,512.00.
- Performance Bond Release – Kyle O'Donnell – Off Hooper Avenue in the amount of \$930.24.
- Inspection Fund Release – Thomas Fay, Jr. – Drum Point Road in the amount of \$502.17.
- Inspection Fund Release – Vulcan Construction – Chambers Bridge Road in the amount of \$130.70.
- Inspection Fund Release – Richard Pearson – Chambers Bridge Road in the amount of \$145.20.
- Inspection Fund Release – Jak & Associates – Off Sally Ike Road in the amount of \$118.05.

Tax Collector:

Joanne Bergin advised the following:

- 100% DAV Refund & Cancel Taxes – Block 1247 Lot 25 – 420 Hulse Avenue in the amount of \$3,920.12.
- Veteran and Widow of Veteran Deductions Granted – 2016 - there are 3 in the amount of \$250.00 each.
- Senior Citizen Deductions Granted – 2016 - there are two in the amount of \$250.00 each.
- Disability Deductions Granted – 2016 there is one in the amount of \$250.00.
- Tax Overpayments – 2017- Block 494 Lot 15 in the amount of \$1,298.29.
- Exempt Property – Cancel Taxes – Block 701.03 Lot 1 – 40 Ashwood Drive due to the fact that it has been acquired by Special Care Community Services.

President Halloran opened the public hearing on the Resolutions.

Vic Fanelli, 24 Meadow Point Drive, questioned if the Budget Appropriation Transfers resolution and stated his displeasure with the transfers that keep occurring with these types of resolutions. He asked for clarification on the HVAC units at Civic Plaza; he stated his displeasure not being able to access the PBA agreement on the Township website.

Joanne Bergin replied yes it was revised and explained the revisions and noted these are standard operating procedures. She advised with regards to the HVAC units that they are retaining the firm and setting the price for labor should one of the HVAC units need repair or replacing and they can cancel the contract if they do not need it, but they do not want to do these through an emergency process if those units go out.

John Bennette, Boland Avenue, spoke about budget shortfalls that occur in a budget. He commended the work that was done with the PBA agreement.

George Scott, 16 Queen Ann Road, questioned what the Township will be doing to try and eliminate such expenditures at Civic Plaza HVAC units whether they use it or not. He spoke on the NJPA cooperative resolution for two four wheel drive trucks. He stated his pleasure and

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complimented Chief Riccio on the PBA Agreement.

Mayor Ducey responded they tried renting out units at Civic Plaza in the past and are not looking to sell Civic Plaza any longer.

There were no further comments from the audience.

President Halloran closed the public hearing on the Resolutions.

Recognize Michael Zanetti, Manager – Walmart

Mayor Ducey said the Township of Brick enjoys the sense of community that is enhanced and sustained by groups and individuals who contribute for the good of the residents. He said Michael who is the store manager at the Brick Wal-Mart has consistently overseen a donation of funds, goods and products to the Brick Township Police Department, Recreation Department, B-MAC and other municipal and regional programs and events. He presented and proclaimed Wednesday, January 25, 2017 to be Michael Zanetti Day.

Michael Zanetti thanked the Mayor and Council for the honor.

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

Councilwoman deJong questioned the Florio, Perrucci legal bill on page 24 in the amount of \$12,074.00 and asked for an update on the pending litigation.

Kevin Starkey replied the firm is special counsel representing the Township in connection with the defective design of the detention basin at the Landfill (solar project). He said the initial problem is that Birdsall went into bankruptcy and was liquidated. He said the firm was able to go to bankruptcy court and received approval to sue the Birdsall insurance carriers. He said this lawsuit was filed in December 2016 and the claim is for approximately \$250,000.00 which was the cost to the Township to fix the detention basin.

Councilwoman Crate she said there is also a legal bill for McManimon, Scotland, Baumann for \$13,000.00 for Foodtown Redevelopment and asked for an update on the pending litigation.

Kevin Starkey replied a little over a year ago this Council terminated the agreement to move on to try and do something productive with this site. He said the redeveloper unfortunately chose to sue the Township to try to get their status back and it now has gone to trial in Ocean County Superior Court and the judge encouraged the parties to discuss to see if there is any way to resolve it; and the parties are doing that.

Councilwoman Pontoriero questioned the Costco bill for the Thrive Program.

Vice President Zapcic replied it is for the mentoring program at Maple Leaf and explained the program.

Councilman Mummolo questioned the bill for NJLOM for an ad placed for a building inspector.

Mayor Ducey explained the Township is looking for an experience and licensed building inspector.

There were no further comments.

President Halloran closed the public hearing on the Computer Bill Resolution.

Motion by Vice President Zapcic and seconded by Councilwoman deJong to adopt the following Resolution.

All Council Members voted AYE on Roll Call, except:
Councilman Fozman ABSTAINED on BTMUA;
Vice President Zapcic ABSTAINED on NJ Press Media.

2017 Computer Bill Resolution in the amount of \$2,331,752.85

President Halloran opened the public hearing on the Manual Bill Resolution

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There were no comments from the audience.

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

Motion by Councilman Fozman 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 \$1,661,540.00

Ordinance on First Reading: Amend Chapter 245 – Land Use – Temporary Sleeping Quarters

Township Clerk Iannarone read the title of the Ordinance into the record.

President Halloran explained this Ordinance will extend permission for places of assemblies to provide temporary encampment accessory use so that volunteers coming in from out of state to assist with rebuilding efforts can be housed in local churches.

Motion by Councilwoman Pontoriero 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.

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY AMENDING SECTION 245-296M.(1)(d) OF THE
CODE OF THE TOWNSHIP OF BRICK**

Ordinance on First Reading: Authorize Street Vacation – Meryl Lane

Township Clerk Iannarone read the title of the Ordinance into the record.

President Halloran explained Meryl Lane is off Robbins Street and off Princeton Avenue. This subdivision was approved by the Zoning Board years ago and there is an application pending before the Planning Board to add to the lot sizes and there are five lots there now. He explained the neighbors want to vacate Meryl Lane and subdivide to split the properties between the two neighboring owners. He said if they get the subdivision approved, the property owners pooled their money to purchase the property in the rear to prevent it from being built upon. He said they are proposing a subdivision that will extend their lot lines toward the water. Secondly, they are requesting a vacation of Meryl Lane. He said if the Planning Board approves it, prior to the resolution of compliance; the Township could vacate the paper street so the filed maps would reflect both the subdivision and the street vacation. He advised this request has been reviewed by the Land Use Committee and was recommended for Council consideration.

Motion by Councilwoman deJong and seconded by Councilwoman Crate 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.

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY VACATING MERYL LANE**

Ordinance on Second 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

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President Halloran opened the public hearing on the Ordinance.

George Scott, 16 Queen Ann Road, questioned if the Township will be reimbursed for the South Beverly Drive house that was demolished and if so would it come out of the \$300,000.00 or is it separate money.

Joanne Bergin replied the Township had funding in place for that property there was a line item put in the budget to cover demolitions not taking into account this program and they were not sure if they get granted funding so it was paid for out of the municipal budget.

George Scott asked for clarification on the last line in the Ordinance: *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.*

Joanne Bergin said when she attended the pre-application meeting that was required, they explained at the meeting that a lot of people drag their heels on getting them all the paperwork so they put in a provision in and that is what the three years is - so if you wait longer than three years and still have pending paperwork and have this approval you can lose out on getting the money back. She said the theme is as quick as they can facilitate the paperwork request they told us they move generally very quickly in responding.

George Scott asked if the Township has any specific houses that will be done.

Joanne Bergin advised they have one that the Property Maintenance Board has taken action on and her opinion is that is the next one to be done.

There were no further comments from the audience.

President Halloran closed the public hearing on the Ordinance.

Motion by Councilwoman deJong and seconded by Councilman Fozman to adopt the following Ordinance on Second and Final 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 \$285,000 are hereby

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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 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

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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.

Steven Bill, 806 Jenny Court, spoke about an article in the Asbury Park Press regarding Interchange 91 Project.

Michele Spector, 808 Jenny Court, spoke about the parkway construction project.

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

Nan Coll, 18 Greenbriar Boulevard, asked if the Township Attorney attends the Foodtown trial.

Kevin Starkey replied no the Township is represented by the Redevelopment Counsel – McManimon, Scotland & Baumann and the lead attorney is Bill Northgrave and he is at every proceeding in that matter.

Vic Fanelli, 24 Meadow Point Drive, spoke about the PBA agreement and the five new special officers. He asked for clarification on the BTMUA appointments that were done at the Reorganizational Meeting on January 10th.

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Mayor Ducey and Kevin Starkey both explained the BTMUA appointments.

George Scott, 16 Queen Ann Road, questioned if the residents that will be accumulating the land on Meryl Lane be paying for this or is the Township giving it to them; will the Township receive a monetary amount; he questioned what the Township has done to help the residents of Evergreen Woods issue with the parkway project.

President Halloran replied the Township is just vacating the street.

Kevin Starkey responded the Township doesn't own the roadway the adjoining neighbors own it the Township just has a right to use it. He said it was originally designed for an access point to land behind the homes and now the neighbors have prevented that; by eliminating the street they are clearing up title.

Mayor Ducey and Joanne Bergin both give a brief history of what the Township has done to date for Evergreen Woods.

There were no further comments from the audience.

President Halloran closed the public hearing portion of the meeting.

Mayor Ducey gave an update on the beach from the last storm. He said the good news is the State awarded a contract for the Army Corp Beach Replenishment Project and hopefully it will start in March. He announced his appointment of Ron Jampel to the Housing Authority and noted it is a five year appointment. He announced the many events he attended and the upcoming events.

Councilwoman Pontoriero thanked the Cub Scouts for leading the pledge. She said she is very happy with the PBA agreement. She spoke the Neighborhood Watch Program and announced some upcoming meetings. She advised they are still looking for volunteers for the snow corps.

Councilman Mummolo also thanked the Cub Scouts for leading the pledge. He congratulated Michael Zanetti and commended the Chief for the PBA agreement.

Councilwoman deJong thanked Chief Riccio, Captain Don Ling, Lt. Terrence Covert and the members of PBA Local 230 for the PBA agreement and making the department better.

Councilwoman Crate echoed the same comments of Councilwoman deJong for the PBA agreement. She congratulated the students of the month and announced the next school board meeting.

Councilman Fozman congratulated Michael Zanetti and said he was happy the bond ordinance passed on second reading.

Vice President Zapcic congratulated the students of the month and Michael Zanetti. She thanked the Chief and the officers that worked on the PBA agreement that will benefit the taxpayers. She announced the Brick Historical Society bus trips. She said she attended the Hero Awards and congratulated the award recipients.

President Halloran thanked the Cub Scouts for leading the pledge and congratulated the students of the month along with Michael Zanetti. He spoke about the Chief and his department that it is very rare to come up and try to save money and in this case they are seeing some selfless people who are looking to help the Township and save money.

Motion by Councilwoman Pontoriero and seconded by Councilwoman Crate to Adjourn the meeting at 9:15 p.m.

All Council Members voted AYE.

Arthur Halloran
Council President

Lynnette A. Iannarone
Township Clerk