

November 21, 2023

A 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.

Township Clerk Iannarone announced adequate notice of this meeting was provided and published in the Asbury Park Press and The Ocean Star on January 27, 2023. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net)

Present

Councilman Perry Albanese
Councilman Vince Minichino
Councilwoman Marianna Pontoriero
Councilwoman Melissa Travers
Council Vice President Andrea Zapcic
Council President Heather deJong

Also Present

Scott Kenneally, Township Attorney
Lynnette A. Iannarone, Township Clerk
Lisa Crate, Mayor
Joanne Bergin, Business Administrator

Absent

Councilman Derrick Ambrosino

The meeting began with the Pledge of Allegiance followed by a moment of silence.

The Council accepted the Reports from Municipal Officers and Council President deJong asked Clerk Iannarone to file same.

Motion by Councilman Minichino and seconded by Councilwoman Pontoriero to dispense with the reading of the minutes from the November 8, 2023 meeting and approve same.

All Council Members voted AYE on the Roll Call.

Presentations

Small Business Saturday

Mayor Crate presented a proclamation to Danielle Kidney, Executive Director of the Brick Chamber of Commerce recognizing Saturday, November 25, 2023 as Small Business Saturday in the Township of Brick and encouraged residents to shop in local small businesses. Ms. Kidney was happy to be invited to the meeting and said she is proud of the business community "building business Brick by Brick!" She said many are owned by Brick residents and sponsor teams such as the little leagues and support the PTAs.

Motion by Councilwoman Pontoriero and seconded by Councilman Albanese to Adopt the following Resolutions.

All Council Members voted AYE on the Roll Call.

Authorize Budget Transfer

Councilman Albanese advised this resolution authorizes budget appropriation transfers as needed for year-end. These transfers do not increase the overall Municipal Budget it moves funds from one account to another.

Authorize Insertion of Chapter 159 – NJ Dept. of Transportation – FY2024 Municipal Aid Program for Normandy Beach Phase 2 – Elevation of Broad Avenue

Councilman Minichino stated this resolution authorizes the insertion of a New Jersey Department of Transportation Municipal Aid Grant in the amount of \$401,859.00 for Phase 2 of the Normandy Beach roadway elevation project. This second phase includes Broad Avenue, Arrow Court and Normandy Drive.

Authorize Receipt of Bids – Purchase & Delivery of Sign Materials

Council Vice President Zapcic said this resolution authorizes the receipt of bids for the purchase and delivery of sign materials. This bid is for an item-per-item basis for the purchase and delivery of sign supplies, to include sign blanks, pre-made signs, street signs, stencils and ink cartridges used by the Township's Sign Shop. To date, the Township has an approximate expenditure of \$84,000.00 during the current two-year contract which will expire on February 11, 2024.

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Authorize Award of Contract – Bay Harbor Estates Roadway Improvements

Councilwoman Travers advised this resolution authorizes an award of contract to Earle Asphalt Company, in the amount of \$851,513.13 for the Bay Harbor Estates Roadway Improvement project. Roadways included in this project are: Queen Ann, Eastland, Glen, Lime, Orange, Bimini, Appleton, and Hemlock Roads. Additionally Acapulco, Beaumont, Homewood, Clearwater, Somerset, Claremont, Fountainbleu, Sunnydale, Brookfield, Greenville, Ardmore, and Lawndale Drives, and Bay Way. Bid notices were provided to 75 prospective bidders and 11 requested bid packages. Seven bids were received, with Earle Asphalt being the lowest responsive, responsible bidder for the base bid and two alternates.

Authorize Change Order #4 – Brick Police Department Special Operations Garage

Councilwoman Pontoriero stated this resolution authorizes change order number four in the contract with Gavan General Contracting for the Brick Police/EMS Special Operations Garage project. The change order in the amount of \$46,950.00 will allow for the installation of new gas lines and four wall mounted heaters. Also, this change order allows for the connection of the gas to the new auxiliary generator which is on site and ready to be installed.

Tax Collector

Business Administrator Bergin advised of the following:

- 100% DAV/Widow of Veteran Deduction – Block 1158.15, Lot 1
- 100% DAV/Widow of Veteran Deduction – Block 1192.06, Lot 2
- Tax Overpayments – Block 1429.02, Lot 2 & Block 842, Lot 27

Authorize Insertion of Chapter 159 – NJ Division of Highway Traffic Safety Drive Sober or Get Pulled Over Year-end Holiday Crackdown Grant

Council President deJong advised this resolution authorizes the insertion of a grant in the amount of \$14,000.00 from the State of New Jersey Division of Highway Traffic Safety for the Drive Sober or Get Pulled Over program. These funds offset the cost of enforcement activities on weekends and holidays.

Council President deJong opened the public hearing on the Resolutions.

Sam Foster questioned the last resolution and whether or not it would be cost effective for the patrol to have devices to be used on the road.

Council President deJong replied that she would check with the Chief and Council Public Safety Committee.

John Sluka questioned the budget transfer resolution of \$1.7 million into insurance from public safety and asked why they do anticipate the costs more efficiently. He asked whether or not next year more money would be needed in public safety.

Business Administrator Bergin advised they are self-insured and they try to project budget on claims. With regards to taking from public safety – monies were moved from salary and wage due to new hires and not working the whole year plus there was a reduction in overtime. More money would be needed in public safety next year as based on their roster.

There were no further comments from the public.

Council President deJong closed the public hearing on the Resolutions.

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

There were no comments from the public.

Council President deJong closed the public hearing on the Computer Bill Resolution.

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Motion by Council Vice President Zapcic and seconded by Councilwoman Travers to Adopt the following Resolution:

All Council Members voted AYE on the Roll Call
Councilman Minichino abstained from Teamsters

Computer Bill Resolution in the amount of \$9,147,825.58

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

There were no comments from the public.

Council President deJong closed the public hearing on the Manual Bill Resolution.

Motion by Councilman Minichino and seconded by Council Vice President Zapcic to adopt the following Resolution:

All Council Members voted AYE on the Roll Call.

Manual Bill Resolution in the amount of \$3,761,423.33

Ordinance on First Reading

Bond Ordinance – Acquisition of Property for Open Space.

Clerk Iannarone read the Title of the Ordinance into the Record.

Mayor Crate explained the Brick Open Space Savers committee is recommending the acquisition of property located on the corner of Herbertsville Road and Maple Avenue and adjacent to the 175-acre Saw Mill Tract Open Space area. This property is listed on the Township's most recent Planning Incentive Plan as proposed acquisition and would provide additional acreage to the Township's Recreation and Open Space Inventory. The property is residential and wooded in nature, bound by the Bureau of Fire Commissioners Fire Training Center, the Saw Mill Tract, a residential neighborhood and spans between First and Maple Avenues. The parcel is currently zoned as Village Zone, which could yield new single-family residential homes or a mixed-use, residential and commercial development on a very busy intersection of Maple Avenue and Herbertsville Road. It is adjacent to R-R-2 Rural Residential (1-acre zoning) and R-7.5 Zone (Single-Family 7,500 sq. ft.) The property is designated in the NJ State Plan as Planning Area 2 and is in a sewer service area. The property has Mixed-forested wetlands, Pinelands Hectare Core forest – Rank 1, has a number of Species of Special Concern including Coopers Hawk, Great Blue Heron and Barred Owl State Threatened. The property is also adjacent to the Saw Mill Pond Creek. The Township submitted for Green Acres approval for the acquisition as part of its ongoing Planning Incentive Plan Grant. The bond ordinance amount is \$390,000.

Motion by Councilwoman Travers and seconded by Council 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 the Roll Call.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND PURCHASE OF REAL PROPERTY FOR OPEN SPACE PRESERVATION PURPOSES, BY AND IN THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROPRIATING \$390,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$370,500 IN BONDS OR NOTES OF THE TOWNSHIP TO FINANCE 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 the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$390,000, said amount being inclusive of a down payment in the amount of \$19,500 now available for said improvements or purposes as required by the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$390,000 appropriation not provided for by said down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in a principal amount not exceeding \$370,500 pursuant to, and within the limitations prescribed by, 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 a principal amount not exceeding \$370,500 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 purposes for the financing of which said obligations are to be issued are for the acquisition and purchase of real property for open space preservation and conservation purposes, including, but not limited to, (i) real property consisting of vacant land designated as Block 1225, Lots 565, 567, 571 and 577, and Block 1386, Lot 1, on the Official Tax Map of the Township, and more commonly known as Herbertsville Road and Maple Avenue in the Township; and (ii) real property consisting of vacant land designated as Block 1224, Lot 636 (including additional sub-lots 637 through 648), on the Official Tax Map of the Township, and more commonly known as Second Avenue in the Township (clauses (i) and (ii) above are hereinafter collectively referred to as the "Properties").

(b) The improvements and purposes set forth in Section 3(a) above shall also include, as applicable, all legal fees, title search fees, closing costs, appraisal fees, advertising fees, survey fees, environmental and soil testing and remediation, bid documents, contract administration, 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 \$370,500.

(d) The aggregate estimated cost of said improvements and purposes is \$390,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$19,500, which is the down payment available for said improvements or 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 2 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, however, 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. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

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 (the "Chief Financial Officer"), 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 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 N.J.S.A. 40A:2-8.1 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 Township hereby certifies that it has adopted a capital budget or a temporary capital budget of the Township, as applicable. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital budget or temporary capital budget of the Township, a revised capital budget or temporary capital budget has been filed with the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

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

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

(b) The average 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 forty (40) 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 Department of Community Affairs of the State of New Jersey, 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 \$370,500. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

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, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal 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 Regulation Section 1.150-2. 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 by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three years after the expenditure is paid.

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SECTION 10. The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of the obligations of the Township authorized herein and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of the holders and beneficial owners of the obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township is hereby authorized to acquire the Properties and to negotiate an agreement of purchase and sale for the purchase of the Properties. The Mayor, Business Administrator, Chief Financial Officer, Township Attorney and Township Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of purchase and sale and any and all documents, instruments, affidavits, certificates and agreements necessary to acquire and purchase said Properties.

SECTION 12. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued on a tax-exempt basis under this bond ordinance.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Council President deJong opened the public hearing portion of the meeting.

Susan Castiglia said she is member of the Brick Open Space Savers (BOSS). She advised the committee investigates properties to preserve based on a number of factors. On behalf of the committee, she thanked the council for this purchase and curbing overdevelopment and preserving natural resources.

John Sluka read his letter asking the town to consider the residents of Brick regarding the harm the air pollution from the Garden State Parkway is causing and especially this time of year with the lack of trees and brush. He asked the Mayor and Council to step up and lead the charge against the New Jersey Turnpike Authority. Phone calls were made but with no results. He requested legal action to reign in this reign of terror.

Sam Foster asked the council if they could make it easier to file a formal criminal complaint and whether there could be an on-line process. He said the data on police body cameras is deleted after a year and he questioned how do they know they are conducting stops legally with regards to the grant resolution for traffic stops. He questioned how the council could pass something if they don't know the procedure. He also congratulated Mayor Crate on winning the election and wished everyone a Happy Thanksgiving.

Council President deJong advised she would ask the Public Safety Committee to look at the complaint process.

Dennis Quirk questioned spending over \$9 million on computers and said his company is going out of business and is looking to sell their equipment.

Council President deJong explained that was the computer bill resolution which is a total of all the spending for the Township.

Business Administrator Bergin added that the Township has to follow the New Jersey Procurement Law and cannot negotiate private purchases.

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There were no further comments from the public.

Council President deJong closed the public hearing portion of the meeting.

Mayor Crate commended the BOSS committee and explained she has served with them all year and they look at maps and take site visits to the properties before recommending purchases. She said that the Chamber of Commerce does so much for the community and that the small businesses are the backbone in town and she encouraged those not members to join the Chamber.

Councilwoman Pontoriero spoke for the children in foster care and those needing homes and asked if anyone has room in their hearts to foster to contact 1-800-NJAbuse and help to give them a good holiday.

Council President deJong thanked the local organizations for providing Thanksgiving meals to residents.

Motion by Councilman Minichino and seconded by Council Vice President Zapcic to Adjourn the meeting at 7:45 p.m.

All Council Members voted AYE.

Heather deJong
Council President

Lynnette A. Iannarone
Township Clerk