

A Caucus/Public meeting of the Township Council was held in the Municipal Building at 7:00 p.m. and was called to order at 7:03 p.m.

Present

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

Also Present

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

Absent

Councilwoman Marianna Pontoriero

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on February 8, 2019. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website ([www.bricktownship.net](http://www.bricktownship.net)).

This meeting began with the salute to the flag followed by a moment of silence.

Motion by Vice President Crate and seconded by Councilman Mummolo to dispense with the reading of the minutes of April 30, 2019 meeting and approve the same.

All Council Members voted AYE on Roll Call.

**Police Promotions/Swearing In**

Chief Riccio gave a brief history of each officer and then each was sworn in by Mayor Ducey.

**New Hires:**

- Patrolman Erik Ryan Talty Badge #303
- Patrolman Ryan Andrew Marmer Badge #304

**Promotions:**

- Sergeant John Gordon Badge #237
- Sergeant Anthony Demaio Badge #194
- Sergeant Joseph Rossi Badge #240

**Historic Preservation Award**

Christine Scheiss, Chair of the Historic Preservation Commission along with the commissioners presented the 2019 Historic Preservation Award to the Cedarcroft Clubhouse – 347 Cedarcroft Drive and gave a brief history on the log cabin style clubhouse built 70 years ago.

**Students of the Month – April**

Mayor Ducey and Vice President Crate recognized the Students of the Month for April 2019. Vice President Crate named the Brick Township High School Students of the Month and presented certificates to: Sabrina Halk, James Brixenman, Haley Soltmann and Jada Lopez. She also named and presented certificates to Brick Memorial High School Students of the Month: Olivia Holts, Tess Witter, David McErlean, Devon Young, Brianna McBride, James Thornley, Samantha LoPresti and Tyler Sindel.

**District Teacher of the Year – Kelly Cerbone**

Mayor Ducey and with Vice President Crate recognized Kelly Cerbone for being bestowed District Teacher of the Year. Mayor Ducey said the Township of Brick is fortunate to have many outstanding individuals who are dedicated to the education of young residents and one such educator is Kelly Cerbone a 7<sup>th</sup> grade math and science teacher at Lake Riviera Middle School has been selected at Brick Township’s 2019 Teacher of the Year. He said Mrs. Cerbone sums up her teaching philosophy to the acronym TIME: Teach, Inspire, Motive and Empower and tries to instill in her students a lifelong love of learning. He presented and proclaimed Wednesday, May 29, 2019 to be Kelly Cerbone Day. Vice President Crate presented Mrs. Cerbone a resolution on behalf of the Township Council.

Mrs. Cerbone said she is very honored and grateful and thanked the Mayor and Township Council for this opportunity.

**National Junior Honor Society Recipients: Lake Riviera Middle School**

President Zapcic called up Mayor Ducey and Councilman Fozman along with Lake Riviera Middle School Junior Honor Society Advisor Mary Beth Prince. Councilman Fozman said this is a National premier organization established to recognize outstanding middle level students. Mayor Ducey and Councilman Fozman presented certificates to the 2019 N.J.H.S Recipients.

**National Junior Honor Society Recipients: Veterans Memorial Middle School**

Mayor Ducey and Councilman Fozman along with Veterans Memorial Middle School Junior Honor Society Advisor Sarah Dunne presented certificates to the 2019 N.J.H.S Recipients

**National Junior Honor Society Recipients: St. Dominic School**

Mayor Ducey and Councilman Fozman along with St. Dominic School Junior Honor Society Advisor Jacquelyn Miller presented certificates to the 2019 N.J.H.S Recipients

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

All Council Members voted AYE on Roll Call.

**Recognize District Teacher of the Year – Kelly Cerbone**

Vice President Crate stated this resolution recognizes Kelly Cerbone, a math and science teacher at Lake Riviera Middle School, as Brick Township's Teacher of the Year.

**Authorize 2019 Temporary Capital Budget**

Joanne Bergin stated this resolution authorizes the temporary capital budget based upon the completed capital bond ordinances that will be introduced later.

**Authorize Cancellation of Grant Appropriated Reserves & Receivables**

Joanne Bergin stated this resolution authorizes the cancellation of grant appropriated reserves and receivables in programs where the funds cannot be spent within the contract period.

**Authorize Cancellation of Stale Dated Checks**

Councilman Halloran stated this resolution authorizes the Township to cancel outstanding checks that are considered stale dated in the amount of \$106.43.

**Authorize Refund from Police Road Job Account**

Councilman Mummolo stated this resolution authorizes a refund from the Township's Police Road Job Trust Account to Midlantic Construction in the amount of \$695.00.

**Authorize Receipt of Bids – Bayside Park Improvements**

Vice President Crate stated this resolution authorizes the receipt of bids for improvements to Bayside Park. She explained the park improvements include enlarging the playground area, installing new safety surface, creating a new picnic area, the installation of a new gazebo as well as cantilever shade structures, benches and bait tables along the decking on the perimeter. She said the park will also feature corn hole games and a labyrinth concrete patio area for yoga and other general meditation activities. She advised sod and irrigation will be installed as well.

**Authorize Receipt of Bids – Beverly Beach Area Roadway Improvements**

Mayor Ducey stated this resolution authorizes the receipt of bids for roadway improvements in Beverly Beach that includes Beverly Beach Road, and portions of South Beverly Drive.

**Authorize Receipt of Bids – Resurfacing & Drainage Improvements – Dennis Drive, Algonquian & Towhee Trails and Dennis Drive Water Main Replacement**

Mayor Ducey stated this resolution authorizes the receipt of bids for resurfacing and drainage improvements on Dennis Drive, Algonquin and Towhee Trails and a water main replacement on Dennis Drive in conjunction with the BTMUA.

**Authorize Award of Bid – Public Safety Uniforms**

President Zapcic stated this resolution authorizes the award of bid for public safety uniforms to Action Uniform Company, for an amount not to exceed \$90,000.00 per year with funds to be

certified prior to each order. She advised bid notices were mailed to 12 prospective bidders of which four picked up bid packages. She said it is the recommendation of the Deputy Police Chief to award the bid as a whole to Action Uniform Company which was the only company that submitted a bid for all categories. She stated this will be a one-year contract commencing May 29, 2019 with an option to award a second year pending satisfactory performance and recommendation from the Police Department. She advised the bid allows for the purchase of uniforms for Police Officers, Emergency Medical Technicians, Crossing Guards and Special Police Officers.

**Authorize Award of Bid – Fall Fest Food Vendor Concession**

Councilwoman deJong stated this resolution authorizes the award of bid to My Three Cobs Corn Roasting, in the amount of \$3,040.00 to provide food trucks for the 2019 Fall Fest Event. She said the vendor will provide 20 different food and refreshment options at Fall Fest scheduled for October 19 at Windward Beach. She stated notice to bidders was advertised in the newspaper and on the Township web site. She advised in addition, ten vendors were notified from the bidders list and two potential bidders requested bid packages of which one bid was received and was determined to be in compliance with all administrative requirements and the bid specifications.

**Authorize Award of Bid – Summerfest Food Truck Vendor – Remaining Categories**

Councilman Halloran stated this resolution authorizes the award of bid for a Summerfest Food Truck vendor in the specialty category to My Three Cobs Corn Roasting, in the amount of \$1,304.00. He advised the Township had established a minimum bid of \$750.00 per food category and noted all previous categories were bid and awarded. He said this category had no bidders and was re-advertised. He stated notice to bidders was advertised in the newspaper and on the Township web site. He advised in addition, 95 vendors were notified from the bidders list and two potential bidders requested bid packages of which two bids were received and one was rejected due to an error in the submission. He said the bid received from My Three Cobs was determined to be in compliance with all administrative requirements and the bid specifications.

**Authorize Award of Contract – Concession Stand at Brick Beach I**

Joanne Bergin stated this resolution authorizes award of contract for the food concession stand at Brick Beach 1 to All Around Concession in the amount of \$5,000.00 and noted contract period begins May 29 and ends on September 30, 2019.

**Authorization to Negotiate Contract – Fireworks Exhibitions**

Vice President Crate stated this resolution authorizes the Township Business Administrator to directly negotiate with potential fireworks vendors for these services at Township events this season. She stated notice to bidders was advertised in the newspaper and on the Township web site. She advised on May 21<sup>st</sup> the Township received bids for this service with two bids received of which both bids contained errors and must be rejected.

**Authorize Change Order No. 1 – Airport Tract Bikeway Expansion – NJDOT Project**

Councilwoman deJong stated this resolution authorizes a change order with no modification to the contract amount for the Airport Tract Bikeway Expansion Project. She advised during construction, the project was modified to address the need to reconstruct an existing timber tie wall that was deteriorated and in need of reconstruction. She said the modification was enabled through a reduction of unused quantities of stone dust for the bikeway.

**Authorize Special Events Permit – PC Richard & Son Tent Sale**

Councilman Mummolo stated this resolution authorizes a special events permit for PC Richard & Son to conduct a Tent Sale on June 6 -17 between the hours of 10 am and 9pm.

**Tax Collector:**

Joanne Bergin advised the following:

- **Redemption of Tax Sale Certificate – Block 236.25 Lot 39 – Mandalay**

Councilman Fozman spoke about the Temporary Capital Budget and the need for an automatic truck wash for DPW vehicles and ambulances; he asked if the Township is responsible for everything in the Concession Stand at Brick Beach I.

Joanne Bergin responded there is no equipment in that building right now and the vendor will

have to provide all of the equipment – the Township provides the maintenance.

President Zapcic opened the public hearing on the Resolutions.

Sam Foster 108 Teakwood Drive, asked for clarification on the Airport Bikeway Expansion Project; spoke about a need for more safety information for bicyclists.

Joanne Bergin responded they want to prevent off road vehicles in the airport tract and make some improvements to the existing trails and noted it is not an expansion.

Nan Coll, 18 Greenbriar Boulevard, said she supports Mr. Foster's comments on the safety concerns with bicyclists and made some suggestions; spoke of the lack of street lighting of some major roads; she asked for more information on the public safety uniform resolution.

President Zapcic addressed her question on the resolution.

Michael Doumas, 400 Adamston Road, asked for clarification on the Brick Beach I Concession Stand resolution.

Joanne Bergin advised there are certain components in a bid specification that is considered a fatal flaw and she gave some examples. Kevin Starkey added there are some flaws that can be fixed if they are minor.

Vic Fanelli, 24 Meadow Point Drive, asked some questions on the Temporary Capital Budget.

Joanne Bergin and Mayor Ducey addressed his concerns.

George Scott, 16 Queen Ann Road, asked some questions on the Temporary Capital Budget specifically the tree plantings; he questioned why the liquor license renewals are off the agenda.

Joanne Bergin and President Zapcic addressed his concerns.

Jason Carey, 233 Cherry Quay Road, questioned if they are putting in bike lanes on Cherry Quay Road.

Mayor Ducey advised no they are not putting in bike lanes and explained the County does not do those kinds of projects anymore.

There were no further comments from the audience.

President Zapcic closed the public hearing on the Resolutions.

Councilman Fozman had several questions on the Computer Bill Resolution.

Joanne Bergin addressed his concerns.

President Zapcic opened the public hearing on the Computer Bill Resolution

George Scott, 16 Queen Ann Road, asked questions of several of the bill items.

Joanne Bergin and Kevin Starkey addressed his questions.

There were no further comments from the audience.

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

Motion by Councilman Mummolo and seconded by Councilman Halloran to adopt the following Resolution.

All Council Members voted AYE on Roll Call, except:  
Councilwoman deJong ABSTAINED on CME Associates;  
Councilman Mummolo ABSTAINED on Meridian Occupational Health

**2019 Computer Bill Resolution in the amount of \$14,664,950.30**

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

There were no comments from the audience.

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

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

All Council Members voted AYE on Roll Call, except:  
Councilwoman deJong ABSTAINED on CME Associates

**2019 Manual Bill Resolution in the amount of \$24,576.43**

**Ordinance on First Reading: Amend Chapter 145 – Extension of the Waiver of Fees for Construction – Renovation of Existing Vacant Commercial Structures**

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

Mayor Ducey explained in July 2017 the council renewed an ordinance waiving fees for business owners who renovate an existing vacant commercial property. The program started in 2015 to encourage businesses to come to Brick and occupy vacant storefronts. He said in this ordinance, the Township is encouraging any new business looking to fill any for vacant commercial space under 5,000 square feet that has been vacant for at least a year to open for business. All Township permit fees are waived to encourage the start up. He said the Business and Finance Committee has recommended renewing the ordinance which expired December 31, 2018. He advised in total 21 new businesses have opened and taken advantage of this program. He said Businesses from bakeries to yoga studios and florists have opened in locations that were vacant.

Motion by Councilman Mummolo and seconded by Vice President 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, AMENDING CHAPTER 145-6 OF THE TOWNSHIP CODE TO EXTEND THE TIME FOR THE WAIVER OF FEES FOR CONSTRUCTION TO PROMOTE THE RENOVATION OF EXISTING VACANT COMMERCIAL STRUCTURES**

**Ordinance on First Reading: Amend Chapter 288 – Designate a Portion of East View Drive – One Way Street**

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

President Zapcic explained the Township Engineer and Police Traffic Safety Unit have recommended that East View Drive and Reservation Row be added to Township Ordinance, Section 288 Vehicles and Traffic, Section 16 One Way Streets, Schedule 41. She said last fall, engineering received a resident complaint regarding the intersection of Tall Timber Drive and East View Drive in Eagle Point with a request that a stop sign be installed. She said Traffic Safety investigated and provided a report that indicated the roads are very narrow with a 9-foot paved surface; the angle of the intersection is acute; the intersection is obstructed by overgrown vegetation; and the intersection is at the top of a hill with a grade change, further limiting sight distances. She advised Traffic Safety endorsed the one-way recommendation on the basis that in addition to improving site safety, the limited pavement surface of 9-feet in width meets the Residential Site Improvement Standards classification of a One Way Alley. Since Traffic Safety issued the report, engineering inspectors had several opportunities to evaluate the intersection and speak with residents and association representatives. She said based upon the angle of the intersection, the changes in grade, and limited site distance, engineering supports Traffic Safety's recommendation to make East View Drive and Reservation Row a one-way street. Township professionals speculate that this is how the circulation was intended when the development was first established.

Councilman Fozman asked if this was review by a committee or just by the police department.

President Zapcic said it was a recommendation from the police department, engineering, traffic safety along with some of the residents.

Motion by Councilman Mummolo and seconded by Councilman Halloran 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 CHAPTER 288 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, TO DESIGNATE A PORTION OF EAST VIEW DRIVE AS A ONE-WAY STREET**

**Ordinance on First Reading: Bond Ordinance – 5 Year Life.**

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

Joanne Bergin stated this explanation covers all of the bond ordinances. She explained the following ordinances reflect the expected useful life of a variety of capital items for all Township departments totaling \$8.5 million which is consistent with the capital budget approved by this Council for the past five years. She said the budget started at over \$25 million but was reduced and prioritized by the various department heads including Police, Engineering, Parks, Recreation, Public Works and IT. She advised the highlights of the proposed capital requests include one new automated garbage truck, one rear loader, one single axel dump truck and a bucket truck for DPW. Three new vehicles for the fleet are included for the Township's inspectors, IT, and code enforcement officers. The commitment to safety continues with ballistic glaze barriers budgeted for the Tax Collector's office and the Land Use department. These improvements mirror what's been done in the Clerk's office. The budget also includes equipment needed to provide for a Senior Services outreach office at Civic Plaza, enabling the Township's seniors to have access to services on both sides of town. She advised the roads scheduled to be constructed are those already designed and ready to build. These projects include Brower Drive & Cranberry Cove Road, North Lake Shore Drive, Lawrence Drive, and continuation of the township's isolated streets program, including part of Midstreams, Beverly Beach and Old Silverton Road. The engineering department will also continue with the microsurfacing program. Laurelhurst and Glen Ridge Estates will also be completed this year. She said the replacement of the synthetic fields at Drum Point Sports Complex is also scheduled this year. The Municipal Building roof will be replaced this year. She advised in terms of drainage projects, reconstruction is scheduled at the Duquesne Boulevard intersection; funding is in place for the design and permitting for the Channel Drive bulkhead; funds are also allocated for the Dredging Master Plan and Upland Planning Analysis, overall concrete repairs, and road work in Breton Woods via shared service agreement with the MUA who is completing a water main replacement. She said in terms of sports organizations, a drainage project at the Senior field is budgeted for Brick American Little League, Parking lot improvements at Pinewood Park is budgeted for Brick Township Soccer Association, and replacing the score board on the 60/90 and 40/60 fields is included for Brick Little League.

Motion by Councilman Mummolo and seconded by Vice President 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.

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$1,506,314 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,430,999 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 \$1,506,314, said sum being inclusive of a down payment in the amount of \$75,315 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 or purposes described in Section 3 hereof and to meet the part of said \$1,506,314 appropriation not provided for by application hereunder of said \$75,315 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$1,430,999 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 an aggregate principal amount not exceeding \$1,430,999 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition and installation, as applicable, of various items of motorized and non-motorized equipment for various Township Departments, including, but not limited to, the Department of Public Works, the Police Department, the Department of Information and Technology, Department of Inspections, the Department of Administration and Department of Recreation.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, 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 \$1,430,999.

(d) The estimated cost of said improvements and purposes is \$1,506,314, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$75,315 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. 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, 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 Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget 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 or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,430,999, 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 \$353,447 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** 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. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. 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.

**SECTION 10.** The Chief Financial Officer of the Township 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 obligations of the Township 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 holders and beneficial owners of obligations of the Township 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 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 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**Ordinance on First Reading: Bond Ordinance – 7 Year Life**

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

Councilman Fozman questioned if some of the items on the list can be changed.

Joanne Bergin said not necessarily, the useful life is very defined so when they identify projects this all goes through the auditor and financial advisor to be sure they are assigning the project in the correct expected useful life so to switch over a project, it has to be carefully done to ensure that is within that useful life.



Motion by Councilman Mummolo and seconded by Councilman Halloran 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 VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$489,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$464,550 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 \$489,000, said sum being inclusive of a down payment in the amount of \$24,450 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 or purposes described in Section 3 hereof and to meet the part of said \$489,000 appropriation not provided for by application hereunder of said \$24,450 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$464,550 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 an aggregate principal amount not exceeding \$464,550 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition and installation, as applicable, of various items of data processing and technology equipment for various departments within the Township, including, but not limited to, the Department of Information and Technology.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, 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 \$464,550.

(d) The estimated cost of said improvements and purposes is \$489,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$24,450 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. 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, 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 Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget 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 or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$464,550, 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 \$75,000 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

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

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. 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.

**SECTION 10.** The Chief Financial Officer of the Township 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 obligations of the Township 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 holders and beneficial owners of obligations of the Township 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 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 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**Ordinance on First Reading: Bond Ordinance – 10 Year Life**

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

Motion by Councilman Mummolo and seconded by Councilman Halloran 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 VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$3,489,635 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,315,153 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 \$3,489,635, said sum being inclusive of a down payment in the amount of \$174,482 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 or purposes described in Section 3 hereof and to meet the part of said \$3,489,635 appropriation not provided for by application hereunder of said \$174,482 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$3,315,153 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 an aggregate principal amount not exceeding \$3,315,153 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 (i) various Class B roadway improvements at various locations throughout the Township, including, but not limited to, milling, paving, striping, curbs, aprons, ADA walkways, and driveways, (ii) the acquisition and installation, as applicable, of various items of equipment, including non-data processing equipment for the Police Department, (iii) electrical upgrades and repairs at the Marina, and (iv) tree replacements for the Department of Public Works.

(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 \$3,315,153.

(d) The estimated cost of said improvements and purposes is \$3,489,635, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$174,482 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. 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, 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 Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget 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 or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$3,315,153, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,010,945 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** 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. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. 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.

**SECTION 10.** The Chief Financial Officer of the Township 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 obligations of the Township 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 holders and beneficial owners of obligations of the Township 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 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 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**Ordinance on First Reading: Bond Ordinance – 15 Year Life**

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

Motion by Councilman Mummolo and seconded by Councilman Halloran 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 VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$3,015,051 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,864,298 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 \$3,015,051, said sum being inclusive of a down payment in the amount of \$150,753 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 or purposes described in Section 3 hereof and to meet the part of said \$3,015,051 appropriation not provided for by application hereunder of said \$150,753 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$2,864,298 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 an aggregate principal amount not exceeding \$2,864,298 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 (i) various improvements to Class B buildings and grounds, (ii) drainage and dredging improvements, and (iii) recreational park improvements to existing parks and beaches at various locations throughout the Township.

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

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$2,864,298.

(d) The estimated cost of said improvements and purposes is \$3,015,051, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$150,753 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. 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, 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 Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget 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 or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,864,298, 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 \$797,490 for items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** 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.

No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. 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.

**SECTION 10.** The Chief Financial Officer of the Township 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 obligations of the Township 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 holders and beneficial owners of obligations of the Township 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 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 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**Ordinance on Second Reading: Vacating a Portion of the Right-of-Way – Iroquois Drive**

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

Councilman Mummolo stated this ordinance vacates a portion of a Township owned right of way on Iroquois Drive. He said the vacation request was reviewed and approved by the Council's Land Use Committee. He stated the resident who submitted the vacation request purchased property on both sides and intends to consolidate three lots to build a home. He said the property is in the Cedarcroft section and there is no public access at this location. He stated the property owner needs a CAFRA permit and the BTMUA needs an easement to access their utility; those are requirements of the vacation. He said as requested, the applicant provided a metes and bounds description.

Councilman Fozman questioned the Township Attorney if they could receive money for this portion; he questioned there are two separate areas; he questioned if this affected the other property owner; he spoke about the planning board resolution and questioned if there is a conflict with Councilman Mummolo voting on that resolution.

Kevin Starkey stated this is not Township property – the property owner owns the land under the roadway up to the centerline the Township has an easement for use of that property as a roadway so when you vacate a street the Township is vacating its right to use that as a roadway it's not like the Township can put park or building – it's not owned in that sense; he said in terms of can the Township get money – no land owners do not pay for roadway vacations – it's not something that is permitted under law it's the Township determines from a planning prospective that portion of a roadway is no longer needed for public purpose in which case they can vacate it if it is needed for example for someone to cross the roadway to use it for public traffic to gain access to a waterway then it would not be vacated; this property being vacated is a stub street – dead end street and the stub is being vacated surrounded on three sides by the same property owner so it is in effect become his driveway – it only effects his property, it doesn't go anywhere, no one travels over it – it serves no public purpose; he advised he worked with the Township Planner and Engineer for quite some time to ensure no rights of the public were going to be adversely affected by vacating this portion of the roadway; he advised it is approximately 90 feet of that dead end street that is being vacating; he advised there is one section being vacating by the Township of that section approximately 40 feet remains subject to an easement for BTMUA use; he explained it does not affect any other property owner; he explained there is no conflict with the Councilman Mummolo voting on the Planning Board for this.

President Zapcic added this property will become taxable.

President Zapcic opened the public hearing on the Ordinance.

Nan Coll, 18 Greenbriar Boulevard, said she has trouble understanding what a street vacation means and asked for more clarification

Kevin Starkey explained the process again.

Sam Foster, 108 Teakwood Drive, asked several questions specifically who will take care of the road.

Kevin Starkey advised the property owner.

George Scott, 16 Queen Ann Road, expressed his displeasure with the street vacation.

There were no further comments from the audience.

President Zapcic closed the public hearing on the Ordinance.

Motion by Councilman Mummmolo and seconded by Councilman Halloran 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.

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY VACATING A PORTION OF THE RIGHT-OF-WAY KNOWN AS IROQUOIS DRIVE**

President Zapcic opened the public hearing portion of the meeting.

Cherie Capostagno 510 Riverside Drive, South, spoke of a public health and safety issue in her neighborhood of Vanada Woods and presented a petition signed by the residents regarding this matter.

Betty Murrison, 11 Riverside Drive West, also spoke about the same issue as Mrs. Capostango and provided a picture board of the issues at hand and urged the council and administration for a solution to this problem in their neighborhood.

Vic Fanelli, 24 Meadow Point Drive, spoke about the utility companies digging up newly paved roads specifically on Mantoloking Road.

Mayor Ducey advised there is a 425 day contract that the gas company has which does not expire for quite some time so it is estimated the spring/summer of 2020 is when the County will smooth the road out again.

Nan Coll, 18 Greenbriar Boulevard, spoke of some issues she has on her property.

Bill Truex, 404 Adamston Road, spoke about the banning medical marijuana; he stated his displeasure with the dispensary purposing to the zoning board they now want to grow lettuce

Kevin Starkey addressed his concerns and cautioned the council and mayor not to comment on the dispensary's application in front of the zoning board.

Mrs. Diaz, 409 Raleigh Road, commented on Mr. Truex's statements and urged the council to amend the current ordinance on banning recreational marijuana to include medicinal.

Jessie, Route 88, spoke about rent control and not banning medical marijuana.

Marcel Diaz, 409 Raleigh Road, questioned if a committee has reviewed the RR1 zone; he said they are not against medical marijuana they just don't want it in the RR1 zone.

Councilman Mummolo responded a committee meeting will be forthcoming regarding that.



Sam Foster, 108 Teakwood Drive, commented on the grow facility; he gave kudos to the Mayor for Trader Joes and Lidl stores coming to Brick; he questioned when he can bring up any misconduct or need for police attention at a council meeting.

Kevin Starkey advised during the public comment portion of the meeting.

Steve Brill, 806 Jenny Court, spoke about the traffic on the parkway this past weekend and urged the council to pass a resolution to mediate this traffic situation.

John Sluka, 950 Sylvia Drive, read his letter regarding the parkway construction project and the many areas needing reforestation and a sound wall for Evergreen Woods.

Jason Carey, 233 Cherry Quay Road, spoke about water issues causing mosquitoes; he expressed the importance of honey bees and spoke on the retention basins need to be treated properly with fill dirt and proper drainage; spoke of the grow facility and an issue he has with a police officer.

Mike Doumas, 408 Adamston Road, stated his displeasure with the size and what the dispensary wants to grow.

There were no further comments from the audience.

President Zapcic closed the public hearing portion of the meeting.

Joanne Bergin mentioned they had a meeting with three Evergreen Woods residents and talked about working together to collect data to have a compelling argument for the Turnpike Authority to hear their voices.

Mayor Ducey talked about the Farmer's Market and the well-attended Memorial Day Service/Parade; he congratulated Ken Mathis, Director of DPW who is being honored by The Arc on June 5<sup>th</sup> for one of their catalyst award for "Best Employer"; he announced some upcoming events.

Councilman Fozman congratulated the police officers, Cedarcroft Club, students of the month, district teacher of the year and all the National Junior Honor Society Recipients; he mentioned some of the events he attended.

Councilwoman deJong announced the upcoming Senior Vendor Fair on June 12<sup>th</sup> at the VFW.

Councilman Mummolo congratulated all the students, teacher of the year and police officers; he spoke about his experience with Rutgers locating clinging jellyfish in the Barnegat Bay and advised residents to be aware of where you swim.

Councilman Halloran congratulated the new and promoted police officers and wished them a safe journey; he congratulated Cedarcroft club for their Historical Preservation Award, teacher of the year and all the students; he spoke of the Memorial Day Parade and thanked all the veterans for their service.

President Zapcic also congratulated the police officers and all the students; she announced the upcoming Garden Club's Secret Gardens of Brick Tour & Tea event on July 9<sup>th</sup>; she mentioned there was also some discussion that was brought up at the Eagle Point Neighborhood Watch meeting regarding the street issue.

Motion by Councilman Mummolo and seconded by Councilman Halloran to Adjourn the meeting at 11:05 p.m.

All Council Members voted AYE.

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Andrea Zapcic  
Council President

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Lynnette A. Iannarone  
Township Clerk