

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 7:00 p.m.

Present

Councilwoman Andrea Zapcic*
Councilman Vince Minichino*
Councilwoman Heather deJong*
Councilman Paul Mummolo*
Council Vice President Arthur Halloran*
Council President Lisa Crate

Also Present

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

(*Present via Zoom)

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 January 7, 2020. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).

President Crate thanked everyone for participating in this evenings Township Council meeting. She said the COVID-19 pandemic prevents them from meeting in the traditional way, but they have adjusted accordingly so that they can continue to conduct the business of the Township, and serve the residents. She said this meeting is available through the Zoom application, where you can see and hear tonight’s meeting, and participate during all public comment periods as you would if they were all together in person. She said to ask a question or comment, please click on your device and a bar will appear on the bottom of your screen. One of the icons posted there is a “Raise your hand” button - click that to indicate you have a question. She said they can see that on their end and will call on people one at a time. Questions and comments are also welcome by email. The address is publicmeetingquestions@bricktownship.net and they will be checking emails throughout the meeting and will read those questions into the minutes and respond accordingly.

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

Motion by Vice President Halloran and seconded by Councilwoman Zapcic to dispense with the reading of the minutes of September 22, 2020 and approve the same.

All Council Members voted AYE on Roll Call.

Motion by Councilman Minichino seconded by Councilwoman Zapcic to adopt the following Resolutions:

All Council Members voted AYE on Roll Call.

Authorize Amendment to the 2020 Temporary Capital Budget

President Crate stated this resolution amends the Capital Budget approved earlier this year. She explained the total Capital Budget for the year remains consistent with previous years at \$8.5 million including vehicles for sanitation and police, IT requests, roadway improvements, park projects, etc. She said this year the pandemic created many challenges and caused the Township to be more cautious with allocating capital funds. She advised earlier in the year they proceeded with urgent purchases and tonight the Council will introduce all of the other projects that are included in the annual Capital Budget.

Authorize Insertion of Chapter 159 – Bulletproof Vest Partnership Grant – 2020

President Crate stated this resolution authorizes the insertion of a grant in the amount of \$36,022.00 from the US Bureau of Justice Assistance for the 2020 Bulletproof Vest Partnership Grant.

Authorize Receipt of Bids – Purchase & Delivery of One Front Loading Refuse Collection Vehicle

President Crate stated this resolution authorizes the receipt of bids for the purchase and delivery of a front-loading refuse collection vehicle for the Department of Public Works as approved in the 2019 Capital Budget.

Authorize Award of Bid – Purchase & Delivery of One Utility Truck with Folding Crane

President Crate stated this resolution authorizes the award of bid for the purchase and delivery of a utility truck with folding crane to Gabrielli Kenworth of NJ, in the amount of \$173,923.35 with \$375.00 for the extended warranty. She said this utility truck is needed for the Department of Public Works as approved in the 2019 Capital Budget. She advised notices were provided to 70 potential bidders from the bidders list and nine vendors requested bid packages of which one bid was received.

Authorize Award of Contract through Stafford Township Cooperative Purchasing System - Purchase & Delivery of Gasoline Fuel.

President Crate stated this resolution authorizes an award of contract for the purchase and delivery of regular grade gasoline fuel to Riggins Inc, at an approved schedule of prices. She said the award is being made in accordance with the Stafford Township Cooperative Pricing System and noted it is a two-year contract not to exceed \$85,000.00 per year.

Authorize Award of Contract through State of New Jersey Cooperative Purchasing Program – Bulletproof Vests

President Crate stated this resolution authorizes the award of contract to Atlantic Uniform, in the amount of \$36,372.00 for police safety equipment. This award is being made in accordance with the State of New Jersey Cooperative Purchasing Program.

Authorize Close Out Change Order #1 - Public Works Emergency Diesel Generator

President Crate stated this resolution authorizes close out change order #1 in the Public Works Emergency Diesel Generator project, with a contract decrease in the amount of \$4,808.62 in the contract awarded to Dee-En Electrical Contracting.

Authorize Addition to the Alternate Prosecutor Pool

President Crate stated this resolution authorizes the addition of John Carleton Esq., and Charles Fiore, Esq., of the firm Grace, Marmero & Associates, LLP to be added to the Alternate Prosecutor Pool.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Inspection Fund Release – David R. Merritt – Bay Avenue in the amount of \$250.00
- Inspection Fund Release – Reino Construction, Inc. – Brick Boulevard & Woods at Laurel in the amount of \$1,637.54.

Tax Collector:

Joanne Bergin advised the following:

- Tax Overpayments – 2019 there are two: Block 1271 Lot 10 in the amount of \$1,541.40 and Block 380.13 Lot 46 in the amount of \$897.36.
- Tax Overpayments – 2020 there are two: Block 323.23 Lot 12 in the amount of \$3,517.06 and Block 937 Lot 42 in the amount of \$6,476.97.

President Crate opened the public hearing on the Resolutions.

There were no comments from the public.

President Crate closed the public hearing on the Resolutions.

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

There were no comments from the public.

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

Motion by Vice President Halloran and seconded by Councilman Minichino to adopt the following Resolution.

All Council Members voted AYE on Roll Call; except:
 Councilman Minichino ABSTAINED on Teamsters;
 Councilwoman deJong ABSTAINED on deJong and CME Associates

2020 Computer Bill Resolution in the amount of \$9,636,420.04

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

There were no comments from the public.

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

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

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

2020 Manual Bill Resolution in the amount of \$1,739,686.61

Ordinance on First Reading: Bond Ordinance – 5 Year Life

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

President Crate explained the following ordinances reflect the expected useful life of a variety of Capital items for all Township departments totaling \$1,862,560. She said this second round of ordinances include projects that were not funded in May, when the first round of Capital was approved. She said the total Capital Budget for the year remains at \$8.5 million. She explained 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 said essential projects that were funded in May include infrastructure projects (roads, storm drain retrofits, flapper valves, etc.), tools and equipment for the department of public works, sanitation trucks and other essential services vehicles, security projects, technology needs, and the continuation of dredge master plan and flooding analysis and also roadway elevation projects were also included. She said this second round of Capital includes equipment for various departments and another senior bus.

Motion by Councilman Minichino and seconded by Vice President 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 \$833,285 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$791,621 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 \$833,285, said sum being inclusive of a down payment in the amount of \$41,664 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 \$833,285 appropriation not provided for by application hereunder of said \$41,664 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$791,621 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 \$791,621 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 vehicles and equipment including, but not limited to, cabinets and appliances in the court section kitchen of the Municipal Building, purchase of

entrance way mats, replacement of shower at Windward Beach, new beach doors and glass blockwall at Windward Beach, a HR Kardex Remstar Lektriever file cabinet, cleaning and repair of ducts at the Municipal Building, repairs to the dock pedestal at Traders Cove Marina, metal barricades for events, guiderail replacement at Lions Head, turnstile gate, basketball wall mounts and mats for Civic Plaza all purpose room, office furniture including an office chair, a Neopost IM letter opener, mason dump truck, 4x4 pickup truck w/plow, power washer, senior bus, Township-wide dredging plan and permit, and other non-passenger vehicles for various Township Departments, including, but not limited to, the Department of Administration, Police Department and Engineering Department.

(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, environmental reports and remediation, and all work, tools, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$791,621.

(d) The estimated cost of said improvements and purposes to the Township is \$833,285, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$41,664 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 \$791,621, 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 \$190,737 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, 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 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 expenditure 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 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 holders and beneficial owners of the obligations of the Township 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 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 tax-exempt 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 Councilwoman Zapcic and seconded by Councilwoman deJong 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 \$346,275 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$328,962 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 \$346,275, said sum being inclusive of a down payment in the amount of \$17,313 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 \$346,275 appropriation not provided for by application hereunder of said \$17,313 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$328,962 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 \$328,962 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 purchase of a mobile command vehicle and a generator for the Police Department, sign lighting repairs at Civic Plaza and repairs to lighting controls at the Civic Plaza gym, upgrade lighting in the Police Department parking lot at the Municipal Building and the parking lot at Civic Plaza, electrical and lighting repairs to the press box at Galik Field, and office lighting repairs in the Clerk's office.

(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, environmental reports and remediation, and all work, tools materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$328,962.

(d) The estimated cost of said improvements and purposes to the Township is \$346,275, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$17,313 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 \$328,962, 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 \$51,941 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, 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 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. 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 expenditure 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 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 holders and beneficial owners of the obligations of the Township 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 covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended the interest on all tax-exempt 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 Vice President Halloran and seconded by Councilman Minichino 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 \$650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$617,500 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 \$650,000, said sum being inclusive of a down payment in the amount of \$32,500 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 \$650,000 appropriation not provided for by application hereunder of said \$32,500 down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$617,500 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 an aggregate principal amount not exceeding \$617,500 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 the purposes for the financing of which said obligations are to be issued are for capital improvements to the Public Works Building of the Township, purchase of property located on Princeton Avenue, known as Block 869.33, Lot 32 and Block 870, Lot 45 on the official tax map of the Township, and paving of Municipal Building and Police Department parking lots, including visitor spots.

(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, environmental reports and remediation, 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 by the Township for said improvements and purposes is \$617,500.

(d) The estimated cost of said improvements and purposes to the Township is \$650,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$32,500 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 \$617,500, 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 \$222,500 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, 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. 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 expenditure 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 the obligations of the Township, which are 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 holders and beneficial owners of the obligations of the Township 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 covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended the interest on all tax-exempt 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: Authorize Acceptance of the Donation of Property – Block 673 Lots 39 & 39.01

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

President Crate explained this ordinance accepts the donation of Block 673 Lots 39 and 39.01 as part of an estate. She said this small, undeveloped lot is floodplain property that will provide points in the Township’s Community Rating System program.

Motion by Councilwoman Zapcic and seconded by Vice President 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, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF PROPERTY KNOWN AS BLOCK 673, LOTS 39 AND 39.01, FOR NO CONSIDERATION

Ordinance on First Reading: Amend Chapter 245-314 – Permitted Signs within the Hospital Support Zone

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

President Crate explained this Ordinance is being put forward by the Council’s Land Use Committee who has discussed ways to help identify medical buildings along Route 88. She explained currently, the Hospital Support Zone restricts signs from being located in the front setback area and this ordinance changes that to allow signs within the setback so motorists could see them as they approach. She said the Township is also requiring a minimum size of the address on the signage. She advised these will only be required if the property owner came in for a site plan or a sign replacement permit from Zoning, however, this ordinance makes it easier by waiving the Zoning application fee for a limited time to encourage compliance.

Motion by Councilwoman deJong and seconded by Councilman Minichino 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.

ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 245-314 ENTITLED “PROHIBITED, EXEMPT AND PERMITTED SIGNS” TO PERMIT PROPERTY ADDRESS SIGNS WITHIN THE H-S HOSPITAL SUPPORT ZONE

Ordinance on First Reading: Amend Chapter 245-330.4 – Permitted Yard Encroachments

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

President Crate stated this ordinance is being presented by the Council’s Land Use Committee because there is an existing provision in the Township ordinance that allows for a one-foot setback. She explained the provision was put in place after Superstorm Sandy, when the Council wanted to help people rebuilding and elevating their homes after the storm. She said the one-foot setback was intended for stairways as needed to accommodate the elevations. However, all these years later the one-foot setback is not working and is creating hardships. Allowing stairwells within a foot does not meet fire or construction codes and is putting neighbors on top of neighbors. She said the Land Use staff are requesting something more

reasonable and noted this applies to new construction only. She advised the Committee agreed to remove the section specific to the one-foot setback for side staircases.

Motion by Vice President Halloran and seconded by Councilwoman deJong 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.

ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 245-330.4 ENTITLED "PERMITTED YARD ENCROACHMENTS"

Ordinance on First Reading: Authorize Adoption of Chapter 238 – Short Term Rentals
Clerk Iannarone read the title of the Ordinance into the record.

President Crate stated the Council's Land Use Committee are presenting this Short-Term Rental Ordinance to assist code enforcement in terms of addressing the problems that have surfaced with short-term rentals. She explained this ordinance enables the Township to act to assure that landlords be held to sufficient standards of responsibility in order to preserve the peace and tranquility of the Township for permanent residents. She advised the committee reviewed ordinances from local municipalities and found the Toms River ordinance to be most in-line with what would be most beneficial for Brick. She said that ordinance sets a minimum of 30 days for what is defined as a short-term rental. She advised the ordinance will make an exception for the Barrier Island from May 15 – September 15, specifically a provision to allow for a rental term of no less than seven (7) days. She said other suggestions will be incorporated into the Land Use policy for issuing short-term rental COs such as notices regarding sanitation collection schedules and rules, etc.

Motion by Vice President Halloran and seconded by Councilwoman deJong 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.

ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE TO ADOPT CHAPTER 239 ENTITLED "SHORT TERM RENTALS"

President Crate opened the public hearing portion of the meeting.

There were no comments from the public.

President Crate closed the public hearing portion of the meeting.

Mayor Ducey stated his displeasure with the small increase this year for the (COLAA) Social Security Cost of Living; he announced some new restaurants; he thanked all that worked so hard at the Trunk or Treat event; he announced some events he attended and some upcoming events.

Councilwoman Zapcic reminded everyone to vote.

Councilwoman deJong gave an update on some new businesses that joined the Buy in Brick Program.

Vice President Halloran also reminded everyone to vote.

President Crate spoke about Ocean's Harbor House public awareness campaign for November is "National Runaway Prevention Month.

Motion by Vice President Halloran and seconded by Councilman Minichino to Adjourn the meeting at 7:30 p.m.
All Council Members voted AYE

October 27, 2020

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Lisa Crate
Council President

Lynnette A. Iannarone
Township Clerk