

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*
 Councilwoman Marianna Pontoriero*
 Council Vice President Arthur Halloran*
 Council President Lisa Crate

Also Present

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

(*Present via Zoom)

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 Councilman Minichino and seconded by Vice President Halloran to dispense with the reading of the minutes of October 13, 2020 and approve the same.

All Council Members voted AYE on Roll Call.

Authorize Budget Appropriation Transfers

President Crate stated this resolution authorizes budget appropriation transfers as needed for year-end. She advised these transfers do not increase the overall municipal budget it just moves unexpended funds from one account into another.

Authorize Award of Bid – Snow Removal Services

President Crate stated this resolution authorizes the award of bid for snow plow removal services to JR Custom Landscaping, Meco Inc., New Gen Recycling and R&S Sewer Contractors at an approved schedule of prices based on the equipment provided. She said the term of this contract is three years. She advised bid notices were provided to 83 prospective bidders from the bidders list and nine picked up bid packages six bids were received however two bids were non-complaint and rejected.

Authorize Award of Bid – Bamboo Removal Services

President Crate stated this resolution authorizes the award of bid for bamboo removal services to Poison Ivy Removal Inc, in the amount of \$39,949.99. She said this is a one-year contract that will end upon the completion of the follow-up inspection and removal of regrowth. She advised bid notices were provided to two prospective bidders and four picked up bid packages of which two bids were received with Poison Ivy Removal being the lowest responsive, responsible bidder.

Authorize Award of Contract through the Bergen County Cooperative Pricing System - Brick Little League Baseball Field Netting

President Crate stated this resolution authorizes the award of contract through the Bergen

County Cooperative Pricing System to purchase and install a tensioned netting system for Brick Little League. She said the purchase order will be issued to Ben Shaffer Recreation in an amount of \$44,674.08. She advised this project was approved as part of the 2018 Capital Budget.

Authorize Close Out Change Order No. 1 – Resurfacing & Drainage Improvements, Markham Road & Whitman Street

President Crate stated this resolution authorizes a close out change order decrease in the amount of \$174,573.62 to Earle Asphalt Company for resurfacing and drainage improvements, Markham Road and Whitman Street Project. She advised the contract decrease is the result of final as-built quantities.

Authorize Application – Recreational Opportunities For Individuals with Disabilities Grant

President Crate stated this resolution authorizes the submission of an application to the New Jersey Department of Community Affairs Recreational Opportunities for Individuals with Disabilities grant program. She said the Township is requesting a grant in the amount of \$11,000.00 for its “Friends of All Abilities” program run through the Township’s Recreation Department.

Authorize Liquor License Transfer – Wine Outlet

President Crate stated this resolution authorizes a liquor license transfer issued to FRIT Leasing & Development Services to Wine Outlet Brick LLC t/a Wine Outlet.

Authorize Placement of Tax Liens for Property Cleanups

President Crate stated this resolution authorizes the placement of a tax liens at: 130 Jib Circle in the amount of \$205.87 and 434 New York Avenue in the amount of \$168.62.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Inspection Fund Release – Federal Realty Investment Trust on Chambers Bridge Road in the amount of \$1,685.24.

Tax Collector:

Joanne Bergin advised the following:

- Tax Overpayments – 2020 there are two: Block 1326.03 Lot 42 in the amount of \$2,850.00 and Block 1383 Lot 7 C137 in the amount of \$549.34.
- Exempt Property – Cancel Taxes – Block 210.35 Lot 19 – Capri Drive.

Authorize Special Events Permit – St. Paul’s Pet Blessing

President Crate stated this resolution authorizes a special events permit for St. Paul’s United Methodist Church to conduct a Pet Blessing event on November 14th between the hours of 10 am and 2 pm at 714 Herbertsville Road.

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:
Councilwoman deJong ABSTAINED on CME Associates

2020 Computer Bill Resolution in the amount of \$13,060,517.88

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 Pontoriero and seconded by Councilwoman Zapic to adopt the following Resolution.

All Council Members voted AYE on Roll Call.

2020 Manual Bill Resolution in the amount of \$3,450,513.78

Ordinance on Second 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 \$1,862,560.00. 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.

President Crate opened the public hearing on the Ordinance.

There were no comments from the public.

President Crate closed the public hearing on the Ordinance.

Motion by Vice President Halloran and seconded by Councilwoman Pontoriero to adopt the following Ordinance on Second and Final Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call.

BOND ORDINANCE PROVIDING FOR 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 Second Reading: Bond Ordinance – 10 Year Life

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

President Crate opened the public hearing on the Ordinance.

There were no comments from the public.

President Crate closed the public hearing on the Ordinance.

Motion by Councilman Minichino and seconded by Councilwoman Zapcic to adopt the following Ordinance on Second and Final Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call.

BOND ORDINANCE PROVIDING FOR 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 Second Reading: Bond Ordinance – 15 Year Life

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

President Crate opened the public hearing on the Ordinance.

There were no comments from the public.

President Crate closed the public hearing on the Ordinance.

Motion by Vice President Halloran and seconded by Councilwoman Pontoriero to adopt the following Ordinance on Second and Final Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call.

BOND ORDINANCE PROVIDING FOR 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 Second 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.

President Crate opened the public hearing on the Ordinance.

There were no comments from the public.

President Crate closed the public hearing on the Ordinance.

Motion by Councilwoman Pontoriero and seconded by Councilman Minichino 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.

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

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

Mayor Ducey explained this Ordinance is being put forward by the Council's Land Use Committee who has discussed ways to help identify medical buildings along Jack Martin Boulevard and Route 88. He 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 can see them as they approach. He said the Township is also

requiring a minimum size of the address on the signage. He 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 Vice President Halloran and seconded by Councilwoman Zapcic 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.

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 Second 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 the 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.

President Crate opened the public hearing on the Ordinance.

There were no comments from the public.

President Crate closed the public hearing on the Ordinance.

Motion by Councilwoman Pontoriero and seconded by Vice President 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.

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

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

President Crate explained the Council’s Land Use Committee is presenting this Short-Term Rental Ordinance to assist code enforcement in terms of addressing the problems that have surfaced with short-term rentals. She said 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 has been discussing how to best manage problems with short-term rentals for six years. This Council enacted a Responsible Landlord Ordinance hoping it would help by keeping landlords responsible and it has helped, but only as it relates to long-term tenants. She explained the ordinance requires two convictions in a two-year period, which has been helpful, but more proactiveness is necessary when the tenant turnover is high. She said over time they found the Responsible Landlord Ordinance was not successful in addressing problems with short-term rentals, and complaints have increased greatly. She said 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. The ordinance will make an exception for the Barrier Island from May 15 – October 15, specifically a provision to allow for a rental term of no less than seven (7) days. She advised other suggestions will be incorporated into the Land Use policy for issuing short-term rental CO's such as notices regarding sanitation collection schedules and rules, etc.

President Crate opened the public hearing on the Ordinance.

Joanne Bergin read an email from Joseph Mecca, 599 Point Avenue, stating his concerns with this Ordinance. He noted when renting their home they are very particular about who they rent to and have in place strict rules for the tenants to follow and noted they closely monitor the tenants personally and through the neighbors; he noted they have never had any complaints by neighbors about rights being infringed upon and no calls for bad behavior at the house; he feels the proposed Ordinance intends to do has no basis and not legal nexus to its intended goal; he urged the council to table the Ordinance.

Mark Cassidy, 52 Arbutus Avenue, said he endorsed everything that was written by author of the email that was read; he stated his concerns and spoke about his opposition with this Ordinance banning short-term rentals on the mainland.

Patricia Campbell, 58 Fairview Avenue, spoke of the quality of life issues with tenants that rent out the neighbor's house.

Ray Stargeno, 600 Driscoll Drive, stated his concerns with the Room Rental portion of the Ordinance.

President Crate advised Mr. Stargeno the Ordinance has been revised in which the Room Rental verbiage has been removed from this Ordinance.

Daniel Ciarcia, 12 Jaywood Manor Drive, expressed his support with this Ordinance; he went into detail of the issues that have been problematic due to a neighbor renting out their home.

John Langione, 117 Joie Place, expressed his support with this Ordinance; he spoke of the problems in his neighborhood with short-term rentals.

Rob Canfield, 423 Malibu Way, stated his concerns with how this Ordinance will hurt the real estate market; he advised as a licensed real estate agent they do an extension background and credit check on renters; he stated his displeasure with banning short-term rentals on the mainland and allowing rentals on the Barrier Island during certain times; he made some suggestions.

Daniel Rath, 17 N. Raleigh Road, questioned if they will get a chance to review the revised Ordinance before it gets passed; he said he agrees with some of the speakers this evening; he said there should be other options that would make the residents of Brick who don't rent out their homes happy and also have the landlords happy at the same time.

President Crate advised the revised Ordinance is posted on the Township website.

Mayor Ducey advised the only change to this Ordinance was the deletion of the Room Rental portion.

Kristian Calibuso, 188 Manorside Drive, said he uses his home as a short-term rental while they are not occupying his home; he advised he lists his home on Airbnb and said possibly they are not the best platform to use and he will consider other options; he advised he has installed numerous security features in this home that alert him whenever the sound level in the home becomes excessive; he spoke of the relentless neighbors who have invaded his privacy; he spoke and stated his displeasure with this Ordinance.

Robert Mangano, 118 Joie Place, spoke and stated his concerns that Mr. Calibuso's short-term rental venture has not been positive for the neighborhood; he expressed his support for this Ordinance.

David Sproviero, 167 Manorside Drive, spoke and stated his concerns with the steady stream

of renters at Mr. Calibuso's home; he stated his concerns with short-term rentals; he said he's in agreement with the 30-day rental clause.

Colleen Leone, 168 Rahway Drive, spoke and stated her concerns with the safety of their neighborhood with short-term rentals; she expressed her support for this Ordinance.

Darcy Seiler, 101 Beach Court, said not every short-term renter is bad; she spoke of her strict rules when she rents out her home; she said there should be a better way to police this and not hurt the people who are trying to do the right thing.

Frank Scotto, 594 Kingfisher Circle, said his neighbor rents out his home and there has never been any problems with the renters; he said there should be a different way to enforce the rules.

Tom Fortier, 107 Monterey Drive, thanked the Mayor and Council for addressing this; he spoke of past issues he has had with short-term renters in his neighborhood and said that it is a quality of life issue.

Brian Clark, 13 Jaywood Manor Drive, spoke of the problems with the rental home in his neighborhood; he thanked the council for this Ordinance.

Nick DeLuca, 65 E. Lagoon Drive, spoke and stated his concerns with the rental house next to him and said that it is like a hotel – motel; he expressed his support for this Ordinance.

William Noe, 110 Shore Drive, spoke and stated his concerns about the rental house in his neighborhood with out of control parties every weekend; he expressed that he is in favor of this Ordinance.

There were no further comments from the public.

President Crate closed the public hearing on the Ordinance

Scott Keneally said this Ordinance came out of a number of these complaints that they have been ongoing for several years from the rising out of Airbnb and VRBO type of sites; he said there always been rental properties in Brick, but there obviously been an increase in the short-term rentals; he said the market for those have gone from the Barrier Island area into other areas of the town that are more predominately single family homes in established neighborhoods; he said the council tried to deal with some of these issues by adopting the Landlord Responsibility Ordinance a few years ago and spoke about that Ordinance; he advised there are a number of municipalities have adopted this 30 day requirement with a exception for rentals of seven (7) days on the Barrier Island during the summer season and this Ordinance is modeled based on Toms River Ordinance; he said this does not prevent a landlord from renting their property for the same 30 day period – this will eliminate turnover of different tenants and problems associated with that; he recognized the comments from the responsible landlords unfortunately the comments they appear to be with other homes; he advised the Landlord Responsibility Ordinance does not address the quality of life issues that people have raised; he said there is a separate statute that gives the municipality the power to regulate and license rentals that are essentially less than six months of the year; he said these are the factors that brought this issue to the council and the following the lead of the other municipalities around which have attempted to address the same problems.

Councilman Mummolo said as Chair of the Land Use Committee this has come up every year and they have discussed this and no one wants to impose more government on rental homes but it has come to a point where the neighboring towns implemented this and noted Airbnb has taken over and has become a serious quality of life for people that is affected by this; he said there intention is not to affect a good landlord out there that rent out to responsible tenants, but they had to do something to protect the citizens at this point.

Motion by Vice President Halloran and seconded by Councilwoman Pontoriero 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.

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.

Barbara Sproviero, 167 Manorside Drive, thanked the council for recognizing the quality of life of the residents and noted that she can deal with 30-day rentals.

Nick DeLuca, 65 E. Lagoon Drive, said he has met with the council in the past about these issues and thanked them for this Ordinance and feels this will help tremendously and this will let them enjoy their summer in their house, which they did not enjoy with the renters coming here and causing all the problems.

Kristian Calibuso, 188 Manorside Drive, he said in regards to non-conforming uses with potentially with short-term rentals that are already booked and said he can prove that with paperwork and asked if there any potential of any grandfathering for those already booked; he asked for clarification going forward.

Scott Kenneally said he does not consider those to be non-conforming uses – a land use concept deals with zoning laws this is actually under the police authority and advised there is no grandfathering; he said this Ordinance go into effect 20 days after publication.

Robert Mangano, 118 Joie Place, thanked the Mayor, council and land use committee for the standpoint of their actions and realizes this was a difficult decision and thanked them for this Ordinance.

Joseph Mecca, 599 Point Avenue, said thank you for reading my email/comments; he said he was saddened to hear the about the many issues the residents were having with out of control tenants; he said he is not happy with this Ordinance and asked that they consider revisiting this in a year to see if this Ordinance has worked.

Tom Fortier, 107 Monterey Drive, thanked the Mayor and council for this Ordinance and said he realizes it was not an easy decision to make.

Mark Cassidy, 52 Arbutus Avenue, thanked the Mayor and council for hearing him and others; he asked for insight on how this decision was made to permit short-term rentals on the Barrier Island and not permit them on the mainland.

Mayor Ducey said based on the Toms River ordinance that has been in effect for four years with success over there and also the fact here in Brick the Barrier Island is more transient in nature as opposed to full-time residents on the mainland.

Mr. Cassidy said he is not in agreement and thanked them for the courtesy.

Daniel Ciarcia, 12 Jaywood Manor Drive, thanked the Mayor and council for their decision and said it will really help out their neighborhood with their particular situation and said he is happy to see this Ordinance went through.

There were no further comments from the audience.

President Crate closed the public hearing portion of the meeting.

Mayor Ducey gave an update on the Sports Dome project; he congratulated the Police Department for being voted One of the Best Police Departments in the Asbury Park Press in their Best of the Best Contest; he mentioned some upcoming events; he spoke of the Governor's restrictions on sporting events.

Councilwoman Zapcic thanked all for residents for their comments tonight and being part of this process.

Councilman Mummolo thanked all for joining in the meeting tonight; he advised that he would

be happy to hear from Mr. Cassidy and Mr. Mecca on any ideas they may have.

Councilwoman Pontoriero echoed the comments of Councilwoman Zapcic; she said it is important for residents to be part of the decision making; she thanked the residents for participating in tonight's meeting.

Vice President Halloran he said in this environment that they are all experiencing these days and said he is proud of the Brick residents who participated in tonight's meeting; he thanked them for respecting each other's opinion.

President Crate echoed the comments from her fellow council members.

Motion by Councilwoman Zapcic and seconded by Vice President Halloran to Adjourn the meeting at 9:10 p.m.

All Council Members voted AYE

Lisa Crate
Council President

Lynnette A. Iannarone
Township Clerk