

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.

Clerk Iannarone was directed to accept and file the Building & Construction, Certificate of Occupancy, Engineering, Sewer & Water and Vital Statistics Reports for the month of July 2020.

Motion by Vice President Halloran and seconded by Councilwoman Zapcic dispense with the reading of the minutes of July 28, 2020 and approve the same.

All Council Members voted AYE on Roll Call; except:
Councilwoman Pontoriero ABSTAINED because she was absent.

Motion by Councilman Minichino seconded by Councilman Mummolo to adopt the following Resolutions:

All Council Members voted AYE on Roll Call.

Authorize Insertion of Chapter 159 – 2020 Community Development Block Grant - Coronavirus

President Crate stated this resolution authorizes the insertion of a grant in the amount of \$177,866.00 from the U.S Department of Housing and Urban Development Office of Community Planning and Development for the 2020 Community Development Block Grant Coronavirus initiative. She advised the Township has been awarded this grant to provide grants to social service agencies serving Brick Township’s residents basic needs specifically, programs and services developed specifically to assist people experiencing hardship as a direct result of COVID.

Authorize Receipt of Bids – 2020 Bulkhead Replacement - Various Locations

President Crate stated this resolution authorizes receipt of bids for bulkhead replacement projects at: Lawndale Drive, Brower Drive, South Drive, East Coral Drive, and Bay Shore Drive. She advised these bulkheads are Township’s responsibility and have been

recommended for repair by our Township Engineer.

Authorize Change Order No. 1 – Brick Beach III Parking Lot Improvements

President Crate stated this resolution authorizes a change order decrease in the amount of \$990.41 from \$546,543.00 to \$545,552.59, as a result of final as-built quantities. The decrease is in the contract with S&G Paving Construction, Inc., for Brick Beach III parking lot improvements.

Authorize Extension of Contract – Fireworks Exhibitions

President Crate stated this resolution authorizes the extension of the contract with Schaefer Fireworks for the Summerfest Concert series fireworks display. She advised the vendor was the successful bidder this year and has asked for an extension based on the Township's decision to cancel the event this year.

Establishing a Plan Endorsement Citizens' Advisory Committee

President Crate stated this resolution establishes a Plan Endorsement Citizens Advisory Committee. She advised the State Planning Rules and Plan Endorsement guidelines establish a comprehensive and coordinated planning process for Brick Township to follow as necessary when updating the Master Plan to be consistent with the State Plan and achieve plan endorsement. She said State Planning rules and Plan Endorsement guidelines incorporate and expand upon the principles of the Municipal Land Use Law in order to help towns plans for a sustainable future. She stated in accordance with Municipal Land Use Law the Plan Endorsement Advisory Committee consists of members including one from the governing body, Planning Board, another local board and two public representatives. She said the members are: Councilman Paul Mummolo, Councilman Art Halloran, Planning Board Chairman Bernie Cooke, Planning Board Vice Chairman Kevin Aiello, Board of Adjustment Chairman David Chadwick, Ken Soucheck from Hackensack Meridian, Brian Mirsky from the Chamber of Commerce; Township Planner Tara Paxton, Zoning Officer Chris Romano, and Steve Specht from the Brick Township Municipal Utilities Authority.

Authorize Special Events Permit – Brick Presbyterian Church Drive In Movie Event

President Crate stated this resolution authorizes a special event permit for a Drive-In Movie in the parking lot of the Brick Presbyterian Church from dusk to 11 pm on Friday, September 18 at the church located at 111 Drum Point Road.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Performance Bond Reduction – Pioneer House Fire Co. – Drum Point Road, in the amount of \$311,938.03.
- Inspection Fund Release in the amount of \$810.82 to Atlantic Lifts Inc., Drum Point Road.
- Inspection Fund Release in the amount of \$125.62 to Nobility Crest at Brick off Chambers Bridge Road.
- Inspection Fund Release in the amount of \$2,175.68 to Chambers Bridge Realty, Chambers Bridge Road.
- Inspection Fund Release in the amount of \$1,599.61 to Mind and Spine, LLC, Route 88.
- Inspection Fund Release in the amount of \$151.60 to Shlomo Teren, Industrial Parkway.
- Inspection Fund Release in the amount of \$3,235.31 to Axiom DR Construction, Route 88.
- Inspection Fund Release in the amount of \$32.50 to Krisanna Construction, Route 88.
- Inspection Fund Release in the amount of \$837.80 to Woods at Laurel, Carnation Drive.

Tax Collector:

Clerk Iannarone advised the following:

- Senior Citizen Deduction Granted – 2018, there is one in the amount of \$250.00.
- Senior Citizen Deduction Granted – 2019, there is one in the amount of \$250.00.
- Exempt Property Cancel Taxes – Block 464 Lot 35.

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

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

2020 Computer Bill Resolution in the amount of \$26,561,602.11

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 Councilman Mummolo 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 \$1,744,546.59

Ordinance on First Reading: Capital Ordinance for Acquisition & Purchase of Block 1171 Lot 1

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

President Crate explained this capital ordinance appropriates \$300,000.00 from the Capital Improvement Fund to pay for the acquisition and purchase of Block 1171, Lot 1. She said the approximately 1.35 acres, 58,806 square foot site is vacant land on Route 88 and Burrsville-Squankum Road. She advised the property acquisition is the necessary first step to ensure drainage and traffic improvements are complete. She noted both projects are long overdue and have been held up because proper title was not secured.

Motion by Councilman Mummolo 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.

CAPITAL ORDINANCE APPROPRIATING \$300,000 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE ACQUISITION AND PURCHASE OF BLOCK 1171, LOT 1, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY AND AUTHORIZING THE EXECUTION OF AN AGREEMENT RELATED THERETO

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The capital purposes described in Section 2 of this capital ordinance are hereby authorized as general capital purposes to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 2 hereof, there is hereby appropriated \$300,000,

said amount is now available in the Capital Improvement Fund of the Township from a previously adopted budget or budgets of the Township.

SECTION 2. (a) The improvements and purposes hereby authorized are for the acquisition and purchase of an approximately 1.35+/- acre, 58,806 square foot property known as Block 1171, Lot 1 on the official tax map of the Township, commonly referred to as vacant land on Route 88 and Burrsville-Squankum Road (the "Property"), by the Township.

(b) The above improvements and purposes set forth in Section 2(a) shall also include, but are not limited to, as applicable, title searches, title policies, surveys, environmental testing and remediation, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

SECTION 3. The expenditure of \$300,000 from the Capital Improvement Fund for the purposes set forth in Section 2 hereof is hereby authorized and approved.

SECTION 4. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Township. The capital or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this capital 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 of the Township, a revised capital or temporary capital budget for the Township has been filed with the Division of Local Government Services.

SECTION 5. Pursuant to the provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., the Township is hereby authorized to acquire the Property and to negotiate, execute, and deliver an agreement (the "Agreement") for the purchase of said Property. The Mayor, Business Administrator, Chief Financial Officer, Township Attorney and Township Clerk (collectively, "Township Officials") are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said Agreement and all other agreements, documents, instruments, affidavits, or certificates necessary to acquire said Property. Any prior actions taken by, as applicable, the Township Officials and other authorized officers and professionals of the Township in relation to the negotiation for, and purchase and acquisition of, the Property are hereby ratified and confirmed.

SECTION 6. This ordinance shall take effect immediately after final adoption as described in N.J.S.A. 40:69A-181.

Ordinance on First Reading: Refunding Bond Ordinance.

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

President Crate explained the Refunding Bond Ordinance encompasses the General Improvement Bonds, Taxable Series 2009B and the General Obligation Refunding Bonds, Series 2012. She advised proceeding with the refunding, the Township will be saving an approximate amount of \$212,763.00 over the course of nine years.

Motion by Councilman Mummolo and seconded by Councilwoman Pontoriero 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.

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE TOWNSHIP TO ACHIEVE DEBT SERVICE SAVINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,750,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL

**OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO
EFFECT SUCH REFUNDING AND APPROPRIATING THE
PROCEEDS THEREFOR**

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") issued (i) \$1,600,000 General Improvement Bonds, Taxable Series 2009B, dated November 20, 2009, \$960,000 of which are currently outstanding and maturing on or after November 1, 2020 and which bonds are subject to redemption on or after November 1, 2019 at a redemption price equal to 100% of the par amount to be redeemed (the "2009 Refunded Bonds"), and (ii) \$13,955,000 General Obligation Refunding Bonds, Series 2012, dated May 10, 2012, \$4,245,000 of which are currently outstanding and maturing on or after November 1, 2023 and which bonds are subject to redemption on or after November 1, 2022 at a redemption price equal to 100% of the par amount to be redeemed (the "2012 Refunded Bonds" and together with the 2009 Refunded Bonds, the "Refunded Bonds"); and

WHEREAS, the Township Council has determined that refunding bonds can be issued to refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate net present value debt service savings to the Township equal to or greater than three percent (3%), which savings is the minimum amount required by the Local Finance Board, Division of Local Government Services, Department of Community Affairs of the State of New Jersey (the "Local Finance Board") to undertake such refunding of the Refunded Bonds; and

WHEREAS, the Township Council has determined to provide for the refunding of the Refunded Bonds through the issuance by the Township of not to exceed \$5,750,000 aggregate principal amount of General Obligation Refunding Bonds, Series 2020 (Taxable).

NOW THEREFORE, 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 refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs of issuance associated therewith, the Township is hereby authorized to issue General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$5,750,000 (the "Refunding Bonds"), to be issued in one or more issues, all in accordance with the requirements of N.J.S.A. 40A:2-51, and to appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Obligation Refunding Bonds, Series 2020 (Taxable)", with such other designation as may be necessary to identify such bonds, including each series thereof.

SECTION 3. The purposes for which the Refunding Bonds are to be issued are to achieve debt service savings for the Township by refunding all or a portion of the callable principal amount of the Refunded Bonds, including the payment of interest accrued thereon on each interest payment date to the dates fixed for redemption for the applicable series of Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$72,500 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance premiums, advertising, paying agent and escrow fees, verification agent fees, rating agency fees, accounting, municipal advisory, legal and other expenses in connection therewith.

SECTION 5. The purpose of the issuance of the Refunding Bonds is to realize net present value interest cost savings for property taxpayers residing in the Township ("net" meaning savings after payment of all costs of issuance of the Refunding Bonds). Applicable State requirements mandate that such net present value interest cost savings equal at least 3% of the principal amount of the Refunded Bonds. In addition, the issuance of the Refunding Bonds shall comply with the provisions of N.J.A.C. 5:30-2.5, including that within 10 days of the date of the closing on the Refunding Bonds, the Clerk shall file a report with the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs setting forth (a) a comparison of the Refunding Bonds' debt service and the Refunded Bonds' debt service which comparison shall set forth the present value savings achieved by the issuance of the Refunding Bonds; (b) a summary of the issuance of the Refunding Bonds; (c) an itemized accounting of all costs of issuance in connection with the issuance of the Refunding Bonds; and (d) a certification of the Clerk that (i) all of the conditions of section (b) of N.J.A.C. 5:30-2.5 have

been met, and (ii) a resolution authorizing the issuance of the Refunding Bonds, adopted pursuant N.J.S.A. 40A:2-51(c), was approved by a two-thirds vote of the full membership of the Township Council.

SECTION 6. The Supplemental Debt Statement relating to the Refunding Bonds, 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 principal amount of the authorization of the bonds and notes provided for in this Refunding Bond Ordinance, and will be decreased by the principal amount of the Refunded Bonds.

SECTION 7. To the extent that the Refunding Bonds are issued as federally tax exempt obligations, the Township Council hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, and investment of the proceeds of the Refunding Bonds, and the timely reporting and rebate of investment earnings on such proceeds as may be required thereunder. The Refunding Bonds are authorized, if required, and with the consent of the Chief Financial Officer of the Township, in consultation with the Township's financial advisor, to be issued as taxable bonds.

SECTION 8. This Refunding Bond Ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

President Crate opened the public hearing portion of the meeting.

President Crate advised Clerk Iannarone to read the public meeting question that was received via email from a resident.

Clerk Iannarone read the email from Virginia Burgoyne, Tide Pond Road, questioning the Township's policy on nepotism.

There were no further comments from the public.

President Crate closed the public hearing portion of the meeting.

Mayor Ducey addressed Ms. Burgoyne email regarding nepotism and stated that there is already a policy in place. He explained that social service agencies provide an essential role to our residents and they do so with care and compassion. He said each year the Township receives Community Development Block Grants (CDBG) funds to use specifically for social service projects. He announced they received over \$114,000.00 in requests this year but only received \$43,500.00 in CDBG funds to award. He announced the following recipients and gave a brief overview of their services:

- The Arc, Ocean County Chapter \$ 2,000.00
- Caregiver Volunteers of Central Jersey \$10,000.00
- Visitation Church Soup Kitchen \$ 2,500.00
- Community Services, Inc. \$ 5,000.00
- Contact of Ocean & Monmouth \$ 2,500.00
- Interfaith Hospitality Network of OC \$ 5,000.00
- Jersey Shore Council BSA \$ 2,000.00
- Ocean Harbor House \$ 2,300.00
- Providence House \$ 5,000.00
- Church of Epiphany \$ 5,000.00
- True Vine Community Services \$ 2,000.00

Councilman Mummolo commended the DPW workers for doing a great job after the storm and they still have a lot of work to do with the cleanup.

President Crate echoed Councilman Mummolo's words regarding the DPW workers and expressed her appreciation for all their hard work; she gave an update on the Brick Library hours.

Motion by Councilman Mummolo and seconded by Vice President Halloran to Adjourn the meeting at 7:25 p.m.

All Council Members voted AYE.

Lisa Crate
Council President

Lynnette A. Iannarone
Township Clerk