

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
 Kevin Starkey, 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 in honor of Richard Gross.

Motion by Councilwoman Pontoriero seconded by Councilwoman Zapcic to adopt the following Resolutions:

All Council Members voted AYE on Roll Call, except:
 Councilman Mummolo ABSTAINED on "*Authorize Award of Proposals – Professional Medical Services*".

Authorize Insertion of Chapter 159 – CARES Act Titles III B&E – 2020

President Crate stated this resolution authorizes the insertion of a grant in the amount of \$26,997.00 for the CARES Act III-B and \$13,282.00 for the CARES Act III-E grants awarded to the Township's Senior Outreach Program. She advised the Ocean County Office of Senior Services received funds under the Coronavirus Aid Relief & Economic Security Act passed by Congress in response to COVID-19. She said the County, in turn, provided grant funds directly to municipalities providing services to seniors throughout the pandemic.

Authorize Cancellation of Stale Dated Checks

President Crate stated this resolution authorizes the cancellation of stale dated checks totaling \$121.00.

Authorize Award of Bid – Purchase & Delivery of One Single Axle Dump Truck

President Crate stated this resolution authorizes the award of bid for the purchase and delivery of one single axle dump truck to Gabrielli Kenilworth, in the amount of \$177,560.00 including extended warranty. She said the truck was approved in the 2020 capital budget. She advised bid notices were provided to 70 potential bidders and 14 vendors requested bid packages of which one bid was received.

Authorize Award of Bid – Purchase & Delivery of Two 33 Cubic Yard Automated Refuse Collection Vehicles

President Crate stated this resolution authorizes the award of bid for the purchase and delivery of two 33-cubic yard automated refuse collection vehicles to Hunter Jersey Peterbilt in the amount of \$570,250.00 - the total amount for two vehicles with extended warranty. She said the trucks were approved in the 2020 capital budget. She advised bid notices were provided to 70 potential bidders and 10 vendors requested bid packages of which one bid was received.

Authorize Award of Bid – Roadway Improvements to Chapel Hill

Mayor Ducey stated this resolution authorizes the award of bid for roadway improvements to Chapel Hill to Mecco, Inc, in the amount of \$397,777.00. He said the project consists of the resurfacing of Gloria Ann Smith Drive, Blue Jay Lane, Schoener Drive and Tunes Brook Drive. He advised bid notices were mailed to 68 prospective bidders and 10 requested bid packages of which six bids were received with prices ranging from \$448,915.00 to the low bid of \$397,770.00

Authorize Award of Bid – Computer & Printer Supplies

President Crate stated this resolution authorizes the award of bid for computer and printer supplies to the following vendors at an approved schedule of prices: KT's Office Services; New Jersey Office Systems; Office Needs Inc.; Star Data Co.; The Tree House; and W.B. Mason Company. She said this is a unit price bid, therefore, funds shall be certified prior to each order with a total annual amount not to exceed \$50,000.00 She noted as of last week, the Township has encumbered approximately \$31,000.00 for the current contract. She mentioned this is a one-year contract commencing August 28, 2020 and ending August 27, 2021. She advised bid notices were provided to 59 prospective bidders and twenty-four bidders picked up bid packages and six bids were received. She advised there is a tie bid for one item #116 DVD+R DL Discs. A coin toss was performed to break the tie with the winning award going to KT's Office Services Inc.

Authorize Award of Proposals – Professional Medical Services

President Crate stated this resolution authorizes award of proposal for professional medical services to the following vendors at an approved schedule of prices: HMH Occupational Health; Raymond F. Hanbury, PhD; and Worknet Occupational Medicine. She said this contract is being awarded as a professional service and an annual total not to exceed amount of \$125,000. She noted the Township has encumbered approximately \$67,000.00 for the current contract. She mentioned the term of this contract is one year commencing September 11, 2020 and ending on September 10, 2021. She advised notices were provided to 13 prospective bidders and seven vendors picked up proposals of which four were received. She said additionally, this resolution authorizes the Purchasing Office to advertise for additional proposals for Category B- Psychological Examinations and noted the Township traditionally has two providers in this category.

Authorize Placement of Tax Liens for Property Clean-ups

President Crate stated this resolution authorizes the placement of a tax liens at: 500 16th Avenue in the amount of \$79.18 and 91 Kieser Boulevard in the amount of \$162.48.

Authorize Special Events Permit – Theatre in the Park Event

President Crate stated this resolution authorizes a special events permit for Brick Community Children's Theatre to conduct a Theatre in the Park: Frozen Jr. Event on September 24, 25 & 26th at Windward Beach Park. She advised a rain date has been set for September 27th.

Authorize Special Events Permit – Jackson Dance Center Show

President Crate stated this resolution authorizes a special event permit for Jackson Dance Center's Dance Event on August 29th at Windward Beach Park. She advised a rain date has been set for August 28th & 30th.

Tax Collector:

Joanne Bergin advised the following:

- Tax Overpayments – 2020: 459 18th Avenue Block 1076.92 Lot 1 in the amount of \$1,369.08.
- State Tax Appeal Granted – Block 380.18 Lot 1.01 – 70 Brick Boulevard in the amount of \$3,861.79 which is a two-year appeal.

Authorize Rejection of Bids and Authorize Re-Bid for Snow Removal Services

President Crate stated this resolution authorizes the rejection of bids and approval to re-advertise for bids for snow removal services. She said bids were received with no bidders in the front-end loader category and it is absolutely essential that they have contractors in this category based on the size of the Township and the equipment needs during snow events. She said they do not have the capability of handling this in-house without assistance from outside contractors. She advised Township staff will use this time to review and revise the specifications to ensure they have established a fair rate of pay and have competent contractors available for inclement weather.

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 Councilwoman Pontoriero to adopt the following Resolution.

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

2020 Computer Bill Resolution in the amount of \$641,678.55

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 Vice President Halloran and seconded by Councilwoman Pontoriero 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 \$1,827,610.71

Ordinance on Second 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.

President Crate opened the public hearing on the Ordinance.

There were no comments from the public.

President 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 12-20

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 Second 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.

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 Zapcic 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.

**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.

There were no comments from the public.

President Crate closed the public hearing portion of the meeting.

Mayor Ducey spoke and expressed his condolences to the Richard Gross family; he spoke about the storm debris cleanup and advised it is still ongoing; he spoke about in person voting; he mentioned schools open on September 8th.

Councilwoman Zapcic extended her condolences to friends and family of Richard Gross; she wished the students and teachers a safe return to school.

Councilwoman deJong extended her condolences to the Gross family and wished all the students starting in September – Good luck with all of your school.

Councilman Mummolo offered his condolences to the Richard Gross family and said he served with him for quite a few years on the Planning Board and he will be truly missed.

Councilwoman Pontoriero expressed her condolences to the Richard Gross family – he was an example of a great citizen.

Vice President Halloran also expressed his condolences to the Richard Gross family and said he also served on the Planning Board with him.

Motion by Vice President Halloran and seconded by Councilman Minichino to Adjourn the meeting at 7:27 p.m.

All Council Members voted AYE.

Lisa Crate
Council President

Lynnette A. Iannarone
Township Clerk