

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 on January 30, 2021 and The Ocean Star on February 5, 2021. 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 also noted the "Raise your Hand" icon can also be found by clicking on the "More" option. 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 February 2021.

Motion by Councilwoman Zapcic and seconded by Vice President Halloran to dispense with the reading of the minutes of February 23rd and March 9, 2021 meetings and approve the same.

All Council Members voted AYE on Roll Call; except:
 Councilwoman deJong ABSTAINED on March 9, 2021 because she was absent.

Mayor's Presentation – National Library Week

Mayor Ducey said normally this presentation would have been done in person. He said libraries of all types are at the heart of their cities, towns, school, and campuses, serving their communities and fostering a sense of belonging. He said today's libraries and their services extend far beyond the four walls of a building and everyone is welcome to use their resources. He said for people lacking broadband at home, libraries provide access to computers and wi-fi even checking out internet hotspots and laptops. He proclaimed April 4th through the 10th, 2021 to be National Library Week in the Township of Brick.

Nancy Bonta Voiko Evans, Brick Branch Manager of Ocean County Library thanked the Mayor via Zoom for the proclamation.

Budget Presentation:

Engineering – Elissa Commins, Township Engineer said Engineering currently employs six full time employees and one seasonal employee. She said the full-time staff includes one licensed professional engineer, two NICET (National Institute for Certification in Engineering

Technologies) Certified Inspectors, an engineering aide/road inspector, one engineering permit/inspection clerk and a secretary. She advised the primary functions of the Division of Engineering are to establish and maintain public infrastructure and assist the public in interfacing their property with township infrastructure. They provide professional assistance to township departments as well as technical support for homeowners, business owners, realtors and developers. Engineering is involved in the development and redevelopment of property, from initial plan review & permitting to final inspection; they monitor the site construction and off-site improvements outside of a physical building envelope. Engineering serves as the contact for various divisions of the NJDEP. Rules and regulations with respect to local development, including but not limited to the Coastal Area Facilities Review Act or CAFRA, Freshwater Wetland Regulation, Storm Water Management, Flood Hazard Areas, the Division of Water Quality, Dredging and Sediment Technology and Solid & Hazardous Waste. She advised the Township Engineer is also the designated Flood Plain Manager responsible for compliance with the rules and requirements of the National Flood Insurance Program. Based upon how well they comply with NFIP regulations and guidelines, Brick residents are provided a discount on their flood insurance premiums. Brick Township Community Rating System is at a Class 6, which provides a 20% discount to those insured through the NFIP. Engineering also has an enforcement aspect to the Division that may issue violation notices and summons to those in violation of the Township's Code Section 168- Engineering Permits and Standards, Section 196- Flood Damage Prevention and Section 245, Subdivision and Land Development. Most of the day-to-day operation of the Division of Engineering involves interaction with the public including homeowners, business people, contractors and licensed professionals. She said their greatest efforts and goals moving into 2021 include:

1. Maintaining and potentially improving the Township's status within the Community Rating System (CRS) for discounted flood insurance premiums;
2. Assisting residents, realtors and developers with private property development;
3. Coordinating with Code Enforcement to facilitate better enforcement of the engineering violations;
4. Coordination with public works for repairs and improvements to our existing infrastructure and maximizing the capital funds available to the greatest extent practical;
5. Developing a Flood Hazard Area Permit;
6. Developing a township wide dredge material management masterplan;
7. Developing a township-wide flood mitigation strategy; and
8. Educating the public on flood risk and preparedness.

Engineering Operations - Engineer's salary and wage budget request for 2021 is \$175,000.00 which represents a 12.5% decrease from last year. While their salaries are fixed, the actual cost to the township are estimated. The funds recouped in the budget from inspections, escrow accounts and capital accounts will vary from year to year, therefore, the actual staffing cost to the Township fluctuate annually. She said they strive to keep our costs as low as possible. She said the overtime budget request for 2021 is \$30,000.00, which represents a 14% decrease from last year. Overtime is necessary due to the volume of construction being done in the Township and the completion of escrow inspections that are done outside of normal operating hours. She said they provide inspections as requested by contractors or the administration, outside of the normal operating hours of the Township, provided the overtime hours worked can be charged to escrow projects that can be billed for the associated cost. These chargebacks to the operating budget are reflected in the actual salary and wage line items and not shown as an offset to the overtime line items. The operating budget request is \$137,330.00; a 14% decrease from 2020 which is largely due to the decrease in request for funding of expert services, which still represents the majority of the engineering operating budget requested. This is money that the department reserves to pay engineers, architects or other professionals for services that cannot be capitalized, such as stormwater permitting compliance, flood mapping appeals, ADA compliance consultation, masterplan updates, sound studies and general traffic consultations. If services are not required, these monies are not spent. The increases requested for the 2021 operating budget reflect the general increases in state permitting fees and requirements as well as the increase in costs associated with required continuing educational requirements, licenses and certifications that shall be required during the 2021 calendar year. Line items that are experiencing an increase in requested funding include:

1. Conferences & Education
2. Dues to associations and organizations
3. Printing, Binding, Photo Materials.

The overall budget requests from the Division of Engineering represent a decrease of 13%

from 2020.

President Crate opened the public hearing on the Engineering Budget.

There were no comments from the public.

President Crate closed the public hearing on the Engineering Budget.

Budget Presentation:

Land Use – Tara Paxton, Township Planner said the Division of Land Use consists of the Planning Board, Zoning Board, Zoning Office, GIS Mapping, Grant Management and General Land Use Planning. She said they experienced many challenges in 2020 due to the COVID-19 Pandemic that they were able to adapt to by evolving our policies and procedures in order to continue our main mission of serving the public. She said fortunately, they had already put in place a move to digital file sharing rather than copying and mailing application packets for the Planning Board and Zoning Board of Adjustment as a cost saving measure in early February. This became key for their adaptation of services when they had to transition to on-line Zoom meetings and noted they only cancelled one meeting in late March and were able to carry out our weekly public hearings virtually beginning in April. She said the staff became trained in website design and management that made it possible for us to provide the board members, applicants and their professionals and most importantly the public with unfettered access for reviewing of case files virtually. They developed procedures for noticing and online meeting management well before NJDCA provided guidance and they have been successful in the management and approval of dozens of development applications. These skills were key in providing the ability for staff to accomplish some tasks while working remotely to provide continuity in serving the public while following COVID-19 protocols for social distancing.

Planning Board - The Planning Board acts on development applications involving the subdivision of land or site plans for permitted uses. The Board Secretary processes the applications from beginning to end. The Board heard 18 cases in 2020, collected \$36,000.00 in application fees and \$116,739.22 in escrow fees with no denials and 17 approvals. They have one Secretary that manages both boards with a part-time assistant.

Zoning Board - The Zoning Board of Adjustment can also act on applications involving subdivisions and site plans, the same as the Planning Board. However, the Zoning Board acts primarily on variances involving individual residential undersized lots or proposed structures that don't meet the height or setback requirements. The Zoning Board also hears matters involving uses that are not permitted in a particular Zone. In 2020 the Board heard 47 cases, approved 44, denied 3, and many are yet to be decided. The board collected \$26,950.00 in application fees and \$147,891.11 in escrow fees.

GIS Mapping - The GIS specialist works closely with the BTMUA and the Township's Consulting Surveyor to keep the Township's Computer Mapping current. She said he also makes the annual revisions to our tax map sheets and creates maps for various departments, such as Police and Recreation, working most closely with the mapping needs for Land Use and Engineering. The GIS specialist created and maintains all of the Flood Hazard Area Open Space Mapping and Spread Sheets that were submitted and approved as a major component of our Community Rating System (CRS) application and annual re-approval. She said this year, the GIS staff assisted in the Township's effort to create digital Planning Board and Zoning Board of Adjustment application forms, the maintenance of a CDBG Program Webpage on the Township's Website and continued updates to the official zoning map. In addition, in 2020, the GIS staff embarked on a large project involving a municipal-wide Public Access Plan, required by NJDEP to identify all of the publicly accessible waterfront areas of the Township for which they received approval in February of 2021.

Planning - The Planner serves as the professionals to both the Zoning and Planning Boards providing reports and attends the meetings. The Planner manages the Land Use Division, serves on various township committees, prepares Master Plans, Redevelopment Plans, Affordable Housing Plan, update the Land Use Ordinance, manage and coordinate most township grants, deal regularly with the development community and manages the administration of the Township's CDBG Program. She said the in-house Administration of the CDBG Program results in a combination of savings to the Township and an increase of availability of funds to the public of close to \$100,000.00 annually. Two staff clerks assist in the management of the CDBG Program, namely the Housing Rehabilitation Program and the Public Services Program and one clerk in the finance office handles the majority of the financial management of the program. In 2020, the Township received the FY 2020 Grant

award of \$302,309.00 and received \$114,000.00 in grant requests and awarded \$43,500.00 in Public Services Grants to 12 non-profit agencies that provide services to the residents of Brick, including homelessness prevention, counseling, services to seniors, individuals with disabilities, abused women and children and nutrition projects. She said they also completed 71 housing rehabilitation projects administered by the Township staff and just awarded four new single-family homeowner rehabilitation contracts in 2020 that are nearing completion. This program continues to be administered by the Township in addition to two outside agencies, through Northern Ocean Habitat for Humanity who completed six more housing rehabilitation projects and Hands for All who completed four emergency rehabilitation projects totaling 91 rehabilitation projects completed to date. In addition, the Township received two more allocations from HUD, CDBG program from the CARES Act to respond, prepare for and protect from the Coronavirus. They received \$177,866.00 in the first allocation and an additional \$494,766.00 in the second allocation, making our total grant funding in 2020 \$974,941.00. The CARES Act removed the Public Services cap limitation for the Coronavirus funds, allowing the Township to award non-profit agencies \$124,435.00 in grants to assist the public in need who had been affected by COVID-19. The second grant award allowed us to target the most needy by providing a \$200,000.00 grant for Rent/Mortgage/Utility one-time payment assistance and to provide Youth and Family counseling through subrecipient contracts with providers. She said the Land Use Division continues to work hand-in-hand with the Divisions of Engineering and Building to ensure the Township's continued participation in the NFIP's Community Rating System (CRS) program. The Land Use staff manages a number of reports, studies and activities that are necessary to accomplish annually to maintain active status in the CRS Program including the Floodplain Management Planning Committee and the annual review of this plan. This year they are embarking on the five-year Cycle Verification where they have opportunity to obtain re-approval of our Class 6 status. Staff will be working in concert with a consultant to ensure a quality submission. The planning staff continues to work towards obtaining grant funding and implementing projects. They are working closely with the NJ Green Acres Division of NJ Department of Environmental Protection to close out the Multi-Park Development Project that earned the Township a total of \$2,000,000.00 in direct grant funds to improve Township parks. They continue to seek additional funding for future park projects. In working with the Brick Police Department, they successfully closed out two Body Worn Camera Grants in the amount of \$195,000 and are working with the Brick Township School District to close out a \$469,281.00 pass-through grant from the School Violence Prevention Program at the US Department of Justice for the installation of security cameras and equipment by the Brick Township School District. This year they staffed and managed the US Census effort in conjunction with the Administration staff. They received a grant from Ocean County to inform and encourage the public to respond to the 2020 Census. They attended the Traders Cove Concert Series, Farmers Market, visited beaches during the week and handed out informational flyers and shopping bags encouraging residents of Brick to fill out the 2020 Census. The Township's response rate to the Census was 74.7% which was an increase of 3.7% from the US 2010 Census and well over the 66.5% Ocean County response rate. She said they are proud of our involvement in this effort and hope that it will pay off in future grant funds and federal investment in our community.

Staff – They now have seven full time employees with eleven Planning Board members and nine Zoning Board members. They serve as staff to the Planning Board, Zoning Board of Adjustment, Land Use Committee, Master Plan Committee, Environmental Commission, Architectural Review Committee, assist the Shade Tree Commission and Homes Now, Inc. Board.

Salary and Wages - The Land Use budget for salary and wages remained the same from 2020 to 2021 budget request. The requested Overtime Budget of \$5,000.00 is \$3,000.00 less than last year's request due to the fact that they charged less than budgeted in 2020. Most overtime charges are made to the escrow accounts because they are related to Planning Board and Zoning Board cases.

Operating Budget - The Land Use operating budget request increased from \$20,300.00 in 2020 to \$24,475.00. In 2021 they will continue to facilitate an increase in professional training for employees in land use and zoning courses offered by Rutgers University. Staff has continued cross-training to be able to assist and support the boards, planner and zoning officer at the front counter when residents are requesting information. The Professional Services Line Item has been increased to provide continued FEMA CRS recertification activities for the five-year cycle review. The other budgeted items primarily cover attendance at required training, dues and printing supplies. They are also purchasing the updated 2021 publication of the Municipal Land Use Law pamphlets for each of the board members and staff.

President Crate opened the public hearing on the Land Use Budget.

There were no comments from the public.

President Crate closed the public hearing on the Land Use Budget.

Budget Presentation:

Zoning Office – Chris Romano, Zoning Officer said the Zoning Office processes applications for development that may or may not have required a Board approval. He said zoning applications can range from a request to build a 90 sq. ft. shed to the development of a major shopping center. The Zoning Officer looks for consistency with Board approvals and the Zoning Code. The Zoning Officer is the main point of contact for the general public with detailed inquires on setbacks, required approvals for improvements such as fences and sheds and clarification on permitted uses. The Zoning Office assists commercial and residential property owners with understanding what improvements/construction projects are allowed, and what needs permits or site plan approval. The Office reviews and issues tenant fit-ups when commercial and retail businesses change hands.

Staff - He said they have two full-time employees including himself and a Zoning Clerk. Over the past two years, they have been successful, with support from administration, to expand cross-training to other employees within the Land Use Division that has greatly benefited the Zoning Office. He said COVID has brought on many challenges. They now have back-up personnel that can handle assisting the public, whether by walk-in, telephone, or email. The Zoning Office's online presence has also been revamped to make documents and information readily available to the public. In the coming year they will focus on getting more content added to the website. Expanding the online presence will help ensure documentation and information are readily available to the public.

Site Development & Review – The office is involved with all development applications from the initial informal meeting requests with applicants through the permitting process. They are also involved in the site inspection and development compliance, in concert with the Engineering, Fire Code, and Building Divisions Board Cases. He said he attends all of the Zoning Board of Adjustment meetings and writes reports on the small bulk applications for the members review. He said he is also in charge of operating the Zoning Board of Adjustment and Planning Board meetings via Zoom where they handle the sharing of documents, management of the hearings and troubleshooting any problems that may arise due to the virtual nature of the meetings. This past year the Zoning Office had an additional challenge responding to the COVID crisis. Restaurants were severely hurt by indoor occupancy restrictions and they were able to get ahead of the issue by writing an ordinance allowing Outdoor Dining Areas in town. They put together an application process which included required documentation, design layout to include safety barriers, and an onsite inspection by the Police Department, Fire Bureau, and the Zoning Office. Last summer, 35 businesses in town took advantage of outdoor dining and all of the responses that he received from business owners was positive. They are currently reviewing new applications for outdoor dining and approving renewals for the upcoming season.

Zoning Permits & Fees - The Zoning Office permit fees are \$75.00 for principal structures and \$50.00 for accessory structures. The Zoning Office issued 1,426 permits in 2020 earning a total of \$89,980.00.

President Crate opened the public hearing on the Zoning Budget.

There were no comments from the public.

President Crate closed the public hearing on the Zoning Budget.

Budget Presentation:

Division of Inspections – Dan Newman, Construction Official said the Division of Inspections is empowered to enforce the New Jersey adopted, Uniform Construction Code as well as local ordinances relating to property maintenance, and the occupancy or re-occupancy of rental units.

The Division, therefore, has two budgets, one dedicated to the enforcement of the Uniform

Construction Code (budget 195) and one dedicated to Municipal Code Enforcement of our property maintenance code and rental inspections (budget 196).

Uniform Construction Code Budget (#195) - The purpose of the Uniform Construction Code is to protect the health, safety and welfare of the people; also, the Code is designed to encourage innovation in construction, including the use of modern technical methods and the elimination of obsolete construction regulations that increase the cost of construction.

Permits issued - The number of permits issued in 2020 was 3081 permits with an additional 832 permit updates, for a total of 3,913. With the pandemic and the original pause on nonessential construction imposed by the Governors' Executive order - when compared to 2019 there was a reduction in the number of permits of 5.6%. He said the number of Inspections performed in 2020 was 17,159, a reduction of 8% from 2019.

Staff - The portion of the Divisions staff dedicated to the enforcement of the UCC in 2021 includes eight full-time clerical positions. The clerical duties include permit application intake, data entry, inspection scheduling, shepherding the applications through the plan review process, processing any violation notices, and once approved by the subcode officials, issuing the permit. These folks are the front-line staff that deals with the public and contractors on a daily basis and do a great job. In the past they utilized some part-time staff members to assist with filing and other clerical duties. They primarily worked during high volume months like in the summer. Due to COVID-19 restrictions they did not utilize any part-timers in 2020.

The Inspection staff includes:

- *Building Subcode*
 - A full time Subcode Official
 - Two full-time building inspectors
 - One part-time building inspector who primarily performs plan review one or two nights per week as needed. Usually no more than 5 hours a week.
- *Plumbing/Mechanical*
 - He said he presently serve as the Plumbing Subcode Official
 - They have two full-time plumbing inspectors
- *Electrical*
 - They employ one full-time Electrical Subcode Official
 - They employ one full-time Electrical inspector
 - They have two part-time Electrical inspectors
- *Fire*
 - They continue to utilize the services provided through a shared service agreement with our Fire Bureau to provide fire inspection and plan review services
- *Elevator*
 - They employ one part-time elevator inspector.

Revenue and Expenditures – He said much of the revenue from permit fees is based on the value of construction of the projects undertaken in the Township. The value of construction for 2020 was \$79,441,986. The revenue generated by the permit fees was \$2,205,996. That is consistent with the amount collected in 2019. Additional revenue from items such as penalties, ongoing inspections of public swimming pools, variation applications and yearly testing of backflow detection devices brought our grand total for revenue to \$2,526,744. The expenditure for salaries in the 2020 budget was \$1,336,572.48 and the request for 2021 salaries is \$1,425,000. In 2020 they expended a total of \$31,415.26 in overtime. That is a significant reduction from 2019. They are requesting \$60,000 for 2021. He said his office works diligently to limit and when possible to reduce overtime, however, the amount of overtime for construction inspectors fluctuates significantly. He said the workload is part of the reason but the majority is for inspectors being dispatched to emergencies like structure fires and car accidents when the accident damages a building. He said after hours he responds to most of those incidents and because he is salaried he does not receive overtime; but when he is not available the other inspectors are entitled to receive overtime. He said the operating expense request is decreasing slightly \$100,060. He pointed out in 2020 they did not spend any of the money requested in line item 204 and are requesting \$1000.00 for 2020. This line item is for training and conferences. This line item is primarily used for The Building Safety Conference. This is an important conference providing training that fulfills an inspectors Continued Education Requirements. The Building Subcode Official, clerical staff and he attends this conference. It is normally held in May each year. Due to the pandemic, in 2020 it was cancelled. This year it has been postponed until September. With line item 224, Uniforms, they expended \$692.82. In 2020 they purchased jackets with the Township logo. They anticipate replacing some shirts in 2021 but not the more expensive jackets they purchased in

2020. When an inspector arrives at a home they carry ID cards but wearing items like jackets and shirts that helps identify them as Township employees place the residents at ease. He said Line item 243 they spent \$50.00, however they are requesting \$1,000.00. In 2021, they will only need to purchase adopted standards, not entire new construction code books. He said new editions of the model codes are published by code agencies in three-year cycles. Presently the 2020 National Electrical Code has been published, but likely will not be adopted until 2022. Also, the 2021 International codes have been published by the International Code Council. In New Jersey the new editions of the ICC codes will be adopted with changes, and a New Jersey version of the code will be published. He said he anticipates that the new code editions will not be adopted until the middle of 2022. In 2022 the request for this line item will be significantly higher. The last code edition update, the purchase of all new editions of the codes cost approximately \$6,000 spread over two budget years. He said for Line item 246 - protective clothing, in 2020 they requested \$200.00 and many of the items purchased in 2019, like hard hats, gloves etc. did not need to be replaced and they anticipate the need to replace only a small amount of these items this year. Line item 253 Office Materials, also has a significant change - they spent \$2,254.21 in 2020 but are only requesting \$1,500.00 in 2021. This line item is used for office equipment including office chairs, file cabinets, etc. They purchased two office chairs in 2020 and four in 2019. In 2021 they anticipate minimal purchases with this line item.

Enforcement/Property Maintenance/Rental Inspections (Budget 196) The purpose of the municipal codes is to protect the quality of life of our residents, and ensure property owners provide safe housing when their units are rented.

Staff – The code enforcement staff includes four full-time inspectors. They had employed one part-time inspector however due to the pandemic the part time inspector did not wish to continue. They did have one retirement but he was replaced with a new code enforcement official. Supervisory help continues to be provided by our Zoning Officer. In addition, one clerk is assigned to the code enforcement office to provide support for the inspectors and to carry out clerical functions. The code enforcement permit clerk deals with in-person and telephone complaints. The clerical staff passes those on to the code enforcement officer that covers that zone and logs all activity. In addition, the clerk processes rental certificate applications. The code enforcement model will change this spring to include weekend hours from May through October. The idea is for code enforcement to be accessible and available for weekend complaints, which as you can imagine occur frequently over the summer. The newest hire was brought on with the new schedule and will not generate overtime.

Rental re-occupancy inspections - Code Enforcement officers conducted 670 rental inspections in 2020. This is a significant drop due to the pandemic. During the worst of the pandemic they limited the number of inspections and provided more flexibility to landlords. They allowed certifications from landlords, specifically in multi-family units like apartment complexes, with the promise of an immediate summons to municipal court for any false or misleading information relating to the rental. That temporary rule change has ended and as time allows inspectors have begun inspecting rentals that were certified but not inspected in 2020. Fees collected in 2020 for rental inspections totaled \$96,600.00.

Complaints and property maintenance - The inspectors also investigate properties based on complaints or spot checks of properties. These inspections generated 2,319 violation notices for violations of the municipal code. He said the Township's Property Maintenance Code is an active body that meets monthly with few exceptions. Their work remains essential as the Township works to ensure the property maintenance code is followed both for safety reasons and the overall aesthetics of our neighborhoods. The staff works diligently to prepare cases to be presented to the board, make factual findings, and then implement the Board's orders.

Overtime - He said no overtime was used in 2019 or 2020. Considering the lack of expenditure for overtime it was appropriate to reduce the budget request for overtime by 50%. The request has been reduced to \$2,500.00. It is still important to have money in this line item in case of emergencies.

Expenditures - The request for operating & expenses is relatively consistent with 2020. The request for the 2021 budget is \$151,850.00 a decrease of \$575.00 The request for line item 204 is for training and conferences. In 2020 in-person training and conferences were cancelled. If they have training he will send the new Code enforcement officer. The request for line item 243 is being reduced to \$150.00 and they spent \$282.75 from this line item in 2020. The reduction is due to the fact that a large amount of the expenditure from this line item, a fee to the NJ motor vehicle commission, will now be charge to line item 207. That line item is a more appropriate line item for this type of expenditure. Expenditures from this line item are now limited to the purchase of additional Property Maintenance Code Books. The request for

Line item 256 Printing, and Binding is also being reduced from last year. In the last two years they have instituted changes that allow the use of more online forms and have reduced the request to \$250.00 from \$800.00.

President Crate opened the public hearing on the Division of Inspections Budget.

There were no comments from the public.

President Crate closed the public hearing on the Division of Inspections Budget.

Ordinance on First Reading: Cap Rate Ordinance

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

President Crate stated this ordinance allows the Township to establish a cap bank for future use. She explained the ordinance allows for increases to budget appropriations, and allows the Township to bank any unused monetary room. She advised this cap bank ordinance allows the Township to increase budget appropriations by 3.5 % over the prior year's appropriations, and to bank any unused appropriation room for the next two succeeding years. She noted the ordinance is simply precautionary and it is not funded through a tax increase, since it is only used in subsequent years should they need to fund a one-time expenditure. She said the monies available by this cap rate ordinance may be used to offset costs of any future disasters and the need for any future emergency appropriation. She advised they are not generating cash, they are creating the ability to raise money should they need it. She noted if the funds are not needed in the succeeding two years, the bank is simply dissolved.

Motion by Councilman Mummolo and seconded by Councilwoman Zapcic 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.

CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Ordinance on First Reading: Refunding Bond Ordinance

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

President Crate stated the Township's CFO has recommended the Council proceed with a Refunding Bond Ordinance to maximize on interest rates when the time is right. She advised in August 2020, the Council authorized a Refunding Bond Ordinance and the Township recouped \$93,000.00 as a result. She said the Township's Professional Accountant and Bond Counsel brought this to their attention that there is another opportunity on the horizon. She said the rates are falling off but will come back up and when they do, the Township needs to be prepared to move forward. She explained if they have the Refunding Bond Ordinance in place they can act and jump on it when the time is right. She advised the accountant estimates \$366,000.00 in savings. She said the Council's Business and Finance Committee has requested consideration of this ordinance after review with the Township CFO.

Motion by Councilman Minichino 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 \$18,000,000 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) \$28,655,000 General Improvement Bonds, Series 2012, dated September 28, 2012, \$5,645,000 of which are currently outstanding and maturing on or after August 15, 2023 and which bonds are subject to redemption on or after August 15, 2022 at a redemption price equal to 100% of the par amount to be redeemed (the "2012 Refunded Bonds"), and (ii) \$23,650,000 General Obligation Bonds (French's Landfill Solar Redevelopment Project) , Series 2014B (Federally Taxable), dated September 26, 2014, \$11,000,000 of which are currently outstanding and maturing on or after September 1, 2024 and which bonds are subject to redemption on or after September 1, 2023 at a redemption price equal to 100% of the par amount to be redeemed (the "2014 Refunded Bonds" and together with the 2012 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 \$18,000,000 aggregate principal amount of General Obligation Refunding Bonds.

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 \$18,000,000 (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 2021", 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 \$180,000 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 Refunding Bonds 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 also authorized, if required, and with the consent of the Chief Financial Officer of the Township, in consultation with the Township's financial advisor and bond counsel, 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.

Ordinance on First Reading: Amend Chapter 245-3 – Impervious Coverage

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

President Crate explained residents on the Barrier Island have requested the Township consider an ordinance regarding impervious lot coverage based on observations that homeowners are covering most of their property with impervious stone or concrete. She said with the increase in lot coverage, rainwater tends to build up in the streets, which is particularly problematic in the Township's low-lying areas. She advised the Land Use staff recommended the Committee consider this request as one approach to help reduce flooding. She advised there are no impervious coverage limitations in residential zones, but there are ones in place for commercial zones. She said the Township's Floodplain Management Committee has also recommended the limitation of impervious cover on residential properties as part of the Floodplain Management Plan that was accepted and adopted by the Township's Planning Board as a Master Plan Element. She advised the Stormwater Management Plan also recommends the implementation of impervious cover limitations to assist in the management of stormwater infrastructure and increase areas of groundwater infiltration. She noted impervious limitations are consistent with the Township's Master Plan. She said the proposed impervious cover limitations are: Zone R-5, 70% impervious cover limitation; Zone R-7.5, 65% impervious cover limitation; Zone R-10, 60% impervious cover limitation; Zone R-15, 55% impervious cover limitation; Zone R-20, 50% impervious cover limitation; and Zone RR, 30% impervious cover limitation.

Motion by Councilwoman Pontoriero 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.

ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 245-3

Ordinance on First Reading: Authorize Sale of Block 1393.20 Lot 6

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

President Crate explained the property owners at 550 California Avenue would like to purchase a 20-foot section of property in the rear of their property that belongs to the Township, Block 1393.20, Lot 6. She said the residents own lots 7,8,9, and 10 according to the deed and they would like to install a fence, but it would involve Lot 6. She said they would like to purchase that piece from the Township. She advised the only other adjacent property owners have waived any interest in the parcel. She said the Township can only offer property to an adjacent

property owner when the Township-owned property is both vacant and undersized for the zone and those conditions are met. She advised the law requires the Township receive at least fair market value for the property, which in the case of a vacant parcel, is set by the Municipal Tax Assessor and noted the assessed value of the Township parcel is \$3,600. She said the Council's Land Use Committee reviewed the request and is recommending the sale of the parcel.

Motion by Vice President Halloran and seconded by Councilman Mummolo to adopt the following Ordinance on First Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call.

AN ORDINANCE OF THE TOWNSHIP FO BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF LAND KNOWN AS BLOCK 1393.20 LOT 6

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

All Council Members voted AYE on Roll Call.

Introduction of the 2021 Municipal Budget

Mayor Ducey said this is the 8th budget of his Administration and is proud to present this budget as it is a continuation of the fiscally conservative principles and practices that have been established over the previous seven budgets. He thanked the Brick Township's Municipal staff this past year – it has been one of unprecedented challenges and the employees did an exemplary job in meeting those challenges and continuing to provide an exceptional level of service to the people of Brick Township. He said this year's spending plan totals \$106,623,267 this is an increase of less than 1 percent (\$947,792). He stated over the eight budgets of this administration, the municipal budget has grown a total of \$8,168,727 this is an annual increase of roughly \$1,021,090 – just about 1% a year. He stated this year's budget contains a number of significant increases that were largely beyond their control. These include an increase of over \$1,000,000 in bond principal payment, an increase of \$771,000 in Police salary and wage, over \$666,000 in pension contributions and \$193,000 in EMT salary and wage. He said by sharpening the pencils, looking for savings and doing more with less in other areas of the budget, they were able to keep this year's total increase to under \$1 million. He stated this year's revenue plan calls for an increase of 1.5 cents on the local tax rate. This increase equates to an annual increase of \$44.98 on the average assessed home (\$299,900) in Brick Township – roughly \$3.75 per month or 12 cents a day. He said it is important to point out that this is for the Municipal portion of the tax bill – the portion that is controlled by the Council and Mayor - this accounts for roughly 30% or so of the total tax bill and the remaining 70% is controlled by the Brick Township Public Schools, the County Government and various County agencies, Open Space taxes that were approved by voters and local fire districts. He said the portion they control funds municipal services including: Brick Township Police Department, the Brick Police EMS, garbage and recycling services, senior services and senior programs, Brick Recreation, maintenance of township streets, leaf collection, park maintenance, beaches, statutorily mandated services and more. He said when you contrast the tax levy growth over this administration's eight budgets over the eight preceding them, you will see how their efforts to bring fiscal responsibility back have succeeded. He stated over this administration's eight budgets, the tax levy has increased an average of \$1,659,893 a year. In the eight budgets previous to this administration, the levy increased \$3,494,581 a year - this is a 52% reduction in annual tax levy growth. He said another goal of this administration was to decrease the township's outstanding debt. He commented when he took office on January 1, 2014, the Township's debt had grown to \$168,335,337 - the township's debt had grown 76% since 2005. He said when he took office, he made reducing that debt a top fiscal priority and over the past eight years, they have succeeded in reducing the township's debt to \$147,606,723 – a reduction of 18.25%. He advised this year's revenue plan includes \$9,918,843 in funds from the township surplus. This leaves them with \$6,737,821 in surplus. He stated surplus was impacted by the COVID-19 pandemic as many of the revenues that help replenish the surplus were not realized in 2020. He said they anticipate many of these revenues to return as well as having revenue from the sale of the Foodtown – when finalized – to replenish the surplus for the future. He stressed the importance of having a healthy surplus balance - it shows the fiscal health of a community. He said the Township's financial team worked hard to ensure that this budget is in line with the Council and his fiscally-conservative philosophy – it is a philosophy

that has helped them reverse the unrestrained spending practices of the decade previous to taking office and has set the Township firmly on a more fiscally-responsible and strong path.

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

All Council Members voted AYE on Roll Call.

Authorize Anticipation of Miscellaneous Revenues in the 2021 Budget

President Crate explained the State is allowing municipalities to anticipate revenues in the 2021 budget using a three-year average of 2018, 2019 and 2020, since some anticipated revenues came in low due to COVID. She said municipalities who want to take advantage of this must approve it via resolution. She advised the Township's CFO is recommending the Council use the three-year average for the fees and permits and municipal court anticipated revenues. She said using the average, if the Council passes the resolution, they can anticipate \$425,586.13 in Fees and Permits and \$501,308.27 in Municipal Court revenue. She advised the Council's Business & Finance Committee reviewed and discussed and is recommending the resolution.

President Crate opened the public hearing on the Resolution.

There were no comments from the public.

President Crate closed the public hearing on the Resolution.

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

All Council Members voted AYE on Roll Call.

Recognize National Library Week – April 4 -10, 2021

President Crate said National Library Week is a time to celebrate our Nation's libraries, library workers' contributions and promote library use and support. She said the theme for this year is "Welcome to Your Library." She mentioned during the pandemic, library workers continue to exceed their communities' demands and adapt resources and services to meet the users' needs during these challenging times. She said whether people visit in person or virtually, libraries offer endless opportunities lives through education and lifelong learning.

Authorize Receipt of Bids – Snow Removal Services – Additional Contractors

President Crate stated this resolution authorizes the receipt of for bids for snow removal services. She said while they have contractors approved and prepared to assist in snow plow efforts, they can always use more contractors ensure coverage. She stated it is absolutely essential that they have contractors based on the size of the Township and the equipment needs during snow events. She advised they do not have the capability of handling this in-house without assistance from outside contractors.

Authorize Award of Contract through Stafford Township Cooperative Pricing System – Automotive Parts, Supplies & Repairs

President Crate stated this resolution authorizes an award of contract to various vendors for automotive parts, supplies and repairs. She advised these contracts are being awarded through the Stafford Township Cooperative Pricing System, of which Brick Township is a member. She noted this is an open-ended contract and shall not exceed \$100,000.00 per year.

Authorize Award of Contract through New Jersey Cooperative Purchasing Program – Microsoft Software Assurance Year Three

President Crate stated this resolution authorizes an award of contract to CDW Government, Vernon Hills, IL, in the amount of \$66,346.00 for Microsoft Software Assurance on Office Professional Plus Licenses and noted this is a state contract vendor.

Confirm the Termination of Contract for Bamboo Removal Services and Authorize Receipt of Bids

President Crate stated this resolution terminates the contract with Poison Ivy Removal, Huntington Station, NY, in the amount of \$39,949.00 for bamboo removal. She explained the contract award was made in November and the vendor has failed to provide the required

paperwork, and has also failed to address the proposed scope of work. She advised this resolution also authorizes a new solicitation of bids so that the Township can proceed with this work.

Authorize Award of Bid – Purchase & Delivery – Aggregates & Asphalt

President Crate stated this resolution authorizes the award of bid to seven vendors in accordance with a schedule of prices for aggregates and asphalt. She said this is a unit price bid not to exceed \$500,000.00 per year with funds to be certified prior to each order. She advised bid notices were provided to 24 prospective bidders and eight picked up bid packages of which all seven bids received are all in compliance with administrative requirements.

Authorize Person-to-Person Transfer of Retail Consumption Liquor License to JSM at Brick IV, LLC

President Crate stated this resolution authorizes a person-to-person transfer of a retail consumption liquor license from Jack & Mike's Bar & Grille to JSM at Brick IV, LLC. She explained the person-to-person transfer of the plenary retail consumption license in its current inactive status with the existing restriction that the restaurant have a varied menu and that the premises contain at last 125 seats for food consumption.

Authorize Person-to-Person Transfer of Retail Distribution Liquor License to Arthaa, LLC

President Crate stated this resolution authorizes a person-to-person transfer of the plenary retail distribution license from RJS Tech, trading as Joe Canal's Liquors, to Arthaa, trading as Joe Canal's Discount Liquor.

Authorize Special Events Permit – Bike MS: Coast to Coast

President Crate stated this resolution authorizes a special event permit for the National MS Society to conduct a Bike MS Coast to Coast Event on Saturday, May 8th between the hours of 8am and 3pm. She advised the event will use the north and southbound bike lanes along Route 35.

Authorize Special Events Permit – Outdoor Recital

President Crate stated this resolution authorizes a special event permit for the Standing Ovation School of Dance to conduct an Outdoor Recital Event from 9am to 9pm on June 12th at their location on Brick Boulevard with a rain date set for June 13th.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Authorize Denial for Release of Performance Guarantees – JSM at Martin Boulevard pending the receipt of as-built site plans.
- Performance & Inspection Fund Release authorizes a release of a cash performance in the amount of \$13,071.10 and inspection fees in the amount of \$372.98 for Sandiloo Property, LLC., Route 35 North.
- Performance & Inspection Fund Release authorizes the release of a cash performance in the amount \$2,875.20 and inspection fees in the amount of \$22.80 for Robert Romanow on Brower Drive.
- Performance Bond Reduction authorizes Citibank Letter of Credit to be reduced to \$116,758.12 and the return of \$5,045.45 in cash performance for Sharbell Development Corp., on Route 35 South/North.

Tax Collector:

Joanne Bergin advised the following:

- Amend Resolution #105-21 – 100% DAV for Block 902.18 Lot 12.
- Tax Overpayments for 2020 there is one: Block 86.09 Lot 20 in the amount of \$65.82
- Tax Overpayments for 2021 there are two: Block 1067.26 Lot 11 in the amount of \$73.24 and Block 86.09 Lot 20 in the amount of \$66.75.
- Escheat Unclaimed Redemption Monies for Tax Sale Certificates there are five: Certificate 2010-0023 in the amount of \$445.72; Certificate 2013-0056 in the amount of \$462.92; Certificate 2010-0041 in the amount of \$337.55; Certificate 2011-0046 in the amount of \$416.41 and Certificate 2012-0363 in the amount of \$1,296.48
- Escheat Unclaimed Tax Sale Premium Monies for Tax Sale Certificates there are four:

Certificate 2015-0087 in the amount of \$45,000; Certificate 2015-0135 in the amount of \$30,000; Certificate 2015-0190 in the amount of \$26,000 and Certificate 2015-0037 in the amount of \$100.00.

Authorize NJDEP Green Acres Diversion Application

President Crate stated this resolution supports the State House Commission pre-application to the NJDEP Green Acres Program for a major diversion of parkland. She explained the application is required for the Township to legalize a diversion that occurred in 2002, when the Township gave an easement and a .124-acre roadway dedication to the County of Ocean in conjunction with the Brick Boulevard expansion project.

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 Amended Computer Bill Resolution.

There were no comments from the public.

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

Motion by Councilwoman Pontoriero and seconded by Vice President Halloran 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

2021 Amended Computer Bill Resolution in the amount of \$10,120,386.75

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 Minichino and seconded by Councilman Mummolo to adopt the following Resolution:

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

2021 Manual Bill Resolution in the amount of \$1,672,127.39

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 thanked all the fire companies and State, police and all first responders that helped protect the homes in Brick Lake Park and some of the businesses on Route 70 with the large fire that started in Lakewood.

Council Members thanked all for their budget presentations and thanked all the first responders for all their hard work with fighting the fire.

Motion by Vice President Halloran and seconded by Councilman Minichino to Adjourn the meeting at 8:28 p.m.

All Council Members voted AYE.

Lisa Crate
Council President

Lynnette A. Iannarone
Township Clerk