

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

Councilman Perry Albanese  
Councilwoman Andrea Zapcic  
Councilwoman Heather deJong  
Councilman Arthur Halloran  
Councilwoman Marianna Pontoriero  
Council Vice President Lisa Crate  
Council President Vince Minichino

Also Present

Kevin Starkey, Township Attorney  
Lynnette A. Iannarone, Township Clerk  
Joanne Bergin, Business Administrator

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park and The Ocean Star on January 7, 2022. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website ([www.bricktownship.net](http://www.bricktownship.net)).

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

Motion by Vice President Crate and seconded by Councilwoman Zapcic to dispense with the reading of the minutes of February 8, 2022 Meeting and approve the same.

All Council Members voted AYE on Roll Call.

**Presentation:**

**Brick United Division 10 Cheer Team**

Councilwoman Zapcic along with President Minichino recognized Brick United 10 Cheer Team. Councilwoman Zapcic congratulated the cheer team for capturing 1<sup>st</sup> Place at the American Youth Cheer Nationals and winning the YCADA Global Championship. She read and presented the proclamation on behalf of Mayor Ducey and proclaimed May 11, 2022 to be Brick United Division 10 Cheer Team Day; President Minichino presented the resolutions on behalf of the Township Council. Coach Flores presented the certificates to the following: Lillian Martinez, Isabella Destefano, Charlene Nemiroff, Olivia Defalco, Melia Gagliardi, Madison Lydon, Lily Portaleos, Kayla Murphy, Campbell Matos, Gianna Licandro, Adelina Paoliello, Abigail Alaimo, Jacqueline Marlowe, Isabella Deresz, Isabella Flores, Alissa Crotty, Lucenza DiMaggio, Summer Sullivan, Jordan Fricke, Juliana Burgess, Corinne Matos and Lorelei Paoliello.

Motion by Vice President Crate and seconded by Councilwoman deJong to adopt the following Resolutions:

All Council Members voted AYE on Roll Call.

**Recognize Brick United Division 10 Cheer Team.**

Councilwoman Zapcic stated this resolution recognizes the continued accomplishments of the Brick United Division 10 Cheer Team. She said the team capped a remarkable season by taking first place at both the American Youth Cheer Nationals and at the Youth Cheer and Dance Alliance Global Championships.

**Authorize Amendment to the 2022 Temporary Capital Budget**

President Minichino stated this resolution authorizes amendments to the Capital Budget. He advised later in the meeting, the Council will be asked to introduce the 2022 Capital Budget with projects in the 5, 7, 10 and 15-year life ordinances. He said this resolution amends the budget by specifying the various projects that go within those ordinances.

**Authorize Refund from Police Road Job Account**

Councilwoman deJong stated this resolution authorizes a refund from the Township's Police Road Job Account in the amount of \$1,375.00 to National Church Residences.

**Authorize Insertion of Chapter 159 – 2022 Sustained Enforcement DWI & Distracted Driving Grant**

Councilwoman Pontoriero stated this resolution authorizes the insertion of a \$24,960.00 grant from the State of New Jersey Division of Highway Traffic Safety for Sustained Enforcement DWI

and Distracted Driving Program.

**Authorize Insertion of Chapter 159 – 2022 Municipal Alliance Grant**

Councilwoman Zapcic stated this resolution authorizes the insertion of a \$7,371.02 grant from the Ocean County Health Department for the 2022 Municipal Alliance Program.

**Authorize Insertion of Chapter 159 – 2022 OC Tourism Grant**

Councilwoman deJong stated this resolution authorizes the insertion of a \$1,575.00 grant from the Ocean County Tourism Advisory Council for the Township's Farmer's Market.

**Authorize Insertion of Chapter 159 – 2022 Pump Out Boat Grant**

Councilman Halloran stated this resolution authorizes the insertion of a \$40,000 grant from the Ocean County Planning Board for the Pump Out Boat Program.

**Authorize Insertion of Chapter 159 – 2019 Recycling Grant**

President Minichino stated this resolution authorizes the insertion of a \$114,998.73 grant from the State of New Jersey Hazardous Waste Recycling Tonnage Grant Program.

**Authorize Award of Bid – Summerfest Food Truck Vendors – Remaining Categories**

Councilman Halloran stated this resolution authorizes the award of bid to the following food truck vendors: Atlantic Roasters with a bid of \$1,500.00; Simply Sofrito with a bid in the amount of \$900.00; and Tony's Italian Sausage with a bid in the amount of \$1,576.00. He said these vendors will provide different specialty items at the Summerfest concert series. He advised bid notices were provided to 102 prospective bidders and seven picked up bid packages of which four bids were received and the three highest bids are being awarded.

**Authorize Award of Bid – Roadway Improvements to Woodland Valley – Phase III**

Councilman Albanese stated this resolution authorizes the award of bid for roadway improvements for Woodland Valley Phase III to Z Brothers Concrete Contractors in the amount of \$434,404.94. He said this project generally consists of hot mix asphalt pavement and other associated work on Turkey Point Road, Winding River Road, Winding River Court and Winding River Lane. He advised bid notices were provided to 77 bidders from the bidders list and nine requested bid packages of which seven bids were received with prices ranging from \$434,404.94 to \$595,565.00 with Z Brothers being the lowest responsive, responsible bidder.

**Authorize Award of Contract through Bergen County Cooperative – Large Town Enterprise License**

Vice President Crate stated this resolution authorizes the award of contract to renew the Township's license with Large Town Enterprise in the amount of \$57,000.00 through the Bergen County Co-Op. She said the contract is the annual renewal of the Spatial Data Logic Enterprise from SHI International. She advised Spatial Data Logic is the software used by the building department as well as code enforcement for all permit tracking and code violations.

**Authorize Special Events Permit – Lax Tournament**

Councilman Albanese stated this resolution authorizes a special event permit for Outside the Crease, LLC to conduct a lacrosse event on June 18 and 19<sup>th</sup> between the hours of 8 am and 6pm at the Drum Point Sports Complex.

**Bond Releases/Reductions:**

Clerk Iannarone advised the following:

- Performance Bond Release for Michael Thomas Brown on Princeton Avenue in the amount of \$3,375.72.
- Inspection Fund Release for F. Wackenhut Company on Chambers Bridge Road in the amount of \$250.00.

**Tax Collector:**

Joanne Bergin advised the following:

- 100% DAV Refund & Cancel Taxes – Block 400.12 Lot 8.
- 100% DAV Refund & Cancel Taxes – Block 446.02 Lot 7.
- Tax Overpayments – there are two for the years 2021 and 2022.

**Authorize Adoption of a Beach Management Plan for the Protection of Federal & State Listed Species**

President Minichino stated this resolution adopts the beach management plan for the protection of Federal and State listed species. He said in conjunction with the NJDEP and the US Department of Fish and Wildlife, the Township has created a beach management plan for the purpose of protecting Federal and State listed wildlife species. He said this resolution confirms the Township's intent to follow the guidelines of the plan to ensure the beach operations support the protection of wildlife.

President Minichino opened the public hearing on the Resolutions.

Vic Fanelli, 24 Meadow Point Drive, asked if beach management plan is for protecting birds; he ask for clarification on the project for Emma Havens Young School that is included in the bond ordinance; he commented on bonding 9.5M.

President Minichino said yes.

Joanne Bergin advised the project at Emma Havens is a parking lot project and it is the Township's responsibility at the school and will be refurbishing the skate park area.

There were no further comments from the public.

President Minichino closed the public hearing on the Resolutions.

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

There were no comments from the public.

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

Motion by Councilwoman Zapcic and seconded by Councilwoman deJong to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

**2022 Computer Bill Resolution in the amount of \$23,345,513.18**

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

There were no comments from the public.

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

Motion by Councilwoman Pontoriero and seconded by Vice President Crate to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

**2022 Manual Bill Resolution in the amount of \$3,661,548.34**

**Ordinance on First Reading: Amend Chapter 86 – Alcoholic Beverages**

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

Councilwoman Zapcic explained the Township Council's Public Safety Committee is recommending this ordinance requiring licensed liquor establishments, both on-and off-premises, to do responsible server training. She said the training is available free for the establishments and is beneficial as it makes these establishments eligible for an insurance discount. She explained the training includes recognizing fake IDs, excessive drinking, how to intervene with problem customers who may have had too much to drink, etc. She advised three Township employees are trained to conduct the training.

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

All Council Members voted AYE on Roll Call.

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 86, ENTITLED "ALCHOLIC BEVERAGES"**

**Ordinance on First Reading: Bond Ordinance 5 Year Life**

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

Councilwoman deJong said this explanation covers all of the Bond Ordinances. She explained the Township's capital budget totals \$10 million - \$1.5 million of which is set aside for flood mitigation. She advised the proposed Capital Budget has been reviewed and discussed by the Council's Recreation Committee, Public Works Committee and Public Safety Committee. She said highlights of this year's Capital Budget includes a Lightning Warning Alert System at the Beach, new consoles for dispatch, design costs for a Public Works Master Site Plan; two new garbage trucks and a rear loader, improvements at Mallard Point Park, roadway paving projects and drainage projects.

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

All Council Members voted AYE on Roll Call.

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$2,375,677 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,256,894 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$2,375,677, said amount being inclusive of a down payment in the amount of \$118,783 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 *et seq.*) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,375,677 appropriation not provided for by said down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$2,256,894 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$2,256,894 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition and installation, as applicable, of various motorized and non-motorized vehicles and equipment for various departments within the Township, including, but not limited to: (i) *Department of Recreation / Beach/Marina* – the acquisition of an ATV quad, jet-ski, gas-powered pressure washer and trailer, fifty (50) vehicle jack stands for the marina, a wrestling mat, the re-installation of floating docks and jet ski ports, repairs to the marina dock pedestals and the replacement of six (6) jet ski docks; (ii) *Department of Administration / Inspections and Code Enforcement Division* – the acquisition of a 2022 Ford Escape SE Hybrid SUV, two (2) electric vehicles and four (4) electric vehicle charging stations; (iii) *Police Department* – the acquisition of a non-passenger supervisor vehicle, a Polaris Ranger 500 utility vehicle, five (5) dry suits, three (3) lockers, and five (5) radar units; (iv) *Department of Emergency Management Services* – the acquisition of a Dodge 4500 4x4 Ambulance; (v) *Department of Public Works / Buildings and Grounds / Parks* – the acquisition of a Ford F-550 Rack Body Truck, two (2) side arm garbage trucks, two (2) rear loading garbage trucks (30 yard and 14 yard), a pick-up truck, two (2) lawn and leaf vacuum catchers for Z-Turns, a backhoe, a skidsteer, panel and table saws, a work shed, picnic tables, metal barricades for events, and a decorative outdoor landscape visitors apron; improvements, repairs and/or upgrades to the lighting controls at Bayside Park; improvements, repairs or the replacement of the window in the tax collector's office, including, but not limited to, architectural services and window glazing; (vi) *Land Use Department, Engineering Department and Administration Department / Inspections and Code Enforcement Division* – architectural services to design security upgrades to the customer service/counter areas in the Land Use, Engineering and

Inspections offices; and (vii) the acquisition of a 2022 Ford Escape SE SUV and 2022 Ford Transit Connect Passenger Wagon XLT for transporting the seniors in the Township.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental reports and remediation, and all work, tools, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$2,256,894.

(d) The estimated cost of said improvements and purposes to the Township is \$2,375,677, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$118,783 available for said improvements and purposes.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized by this bond ordinance, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Ocean. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget of the Township, as applicable. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof in accordance with the limitations set forth in the Local Bond Law, is five (5) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,256,894. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$456,352 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township and, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditure toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are "placed in service" (within the meaning of Treasury Regulation §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

**SECTION 10.** The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of the obligations of the Township authorized herein and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of the obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued on a tax-exempt basis under this bond ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

### **Ordinance on First Reading: Bond Ordinance 7 Year Life**

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

Motion by Councilman Halloran 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.

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$452,320 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$429,704 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$452,320, said amount being inclusive of a down payment in the amount of \$22,616 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$452,320 appropriation not provided for by said down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$429,704 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$429,704 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for the acquisition and installation, as applicable, of various hardware and software technology and related computer equipment, including, but not limited to, laptops, personal computers (PC's), monitors/TVs, cameras, two (2) uninterruptible power supply (UPS) battery backup power systems and additional storage for the UPS backup systems; high-end PC's for body worn camera editing, Panasonic Toughbook F255 laptops, and an additional New World software application for exporting Computer Aided Dispatch (CAD) call data to Emergency Medical Services ("EMS") charts,

all for use by various departments within the Township, including, but not limited to, the Information and Technology Department, the EMS Department and the Police Department.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental reports and remediation, and all work, tools, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$429,704.

(d) The estimated cost of said improvements and purposes to the Township is \$452,320, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$22,616 available for said improvements and purposes.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized by this bond ordinance, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Ocean. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget of the Township, as applicable. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof in accordance with the limitations set forth in the Local Bond Law, is seven (7) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$429,704. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$67,848 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township and, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditure toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are "placed in service" (within the meaning of Treasury Regulation §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

**SECTION 10.** The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of the obligations of the Township authorized herein and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of the obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued on a tax-exempt basis under this bond ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**Ordinance on First Reading: Bond Ordinance 10 Year Life**  
Clerk Iannarone read the title of the Ordinance into the record.

Motion by Councilman Halloran 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.

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$3,286,303 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,121,987 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$3,286,303, said amount being inclusive of a down payment in the amount of \$164,316 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 *et seq.*) (the "Local Bond Law"), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,286,303 appropriation not provided for by said down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$3,121,987 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$3,121,987 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for: (i) various Class B roadway repairs and improvements at various locations throughout the Township, including, but not limited to, milling, paving, tarring, striping, curbs, aprons, ADA walkways and driveways; (ii) the acquisition of ten (10) Sure Fire Sound Suppressor



Rifles, twelve (12) radio communication headsets with built-in hearing protection, a Remington 700 Bolt Action Rifle with Leupold Mark 6 Scope, ten (10) Colt CR6933 EPR 5.56MM 11.5 Inch Short Barreled Rifles, and a Jamar Technologies vehicle radar traffic counter, all for use by the Police Department; (iii) improvements and upgrades to various traffic lights/generators within the Township, all as part of the Township's Traffic Light Program; and (iv) the acquisition of a Stryker battery-powered hydraulic ambulance stretcher, and improvements and upgrades to various portable communication radios for use by the Emergency Medical Services Department.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental reports and remediation, and all work, tools, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$3,121,987.

(d) The estimated cost of said improvements and purposes to the Township is \$3,286,303, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$164,316 available for said improvements and purposes.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized by this bond ordinance, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Ocean. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget of the Township, as applicable. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof in accordance with the limitations set forth in the Local Bond Law, is ten (10) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$3,121,987. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,565,696 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township and, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township’s official intent to reimburse any expenditure toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are "placed in service" (within the meaning of Treasury Regulation §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

**SECTION 10.** The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of the obligations of the Township authorized herein and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of the obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued on a tax-exempt basis under this bond ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**Ordinance on First Reading: Bond Ordinance 15 Year Life**

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

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

All Council Members voted AYE on Roll Call.

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$3,885,700 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,691,415 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the “Township”) as general improvements. For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$3,885,700, said amount being inclusive of a down payment in the amount of \$194,285 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. § 40A:2-1 et seq.) (the “Local Bond Law”), by virtue of an appropriation from the Capital Improvement Fund of the Township for down payment or capital improvement purposes in a previously adopted budget or budgets of the Township.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,885,700 appropriation not provided for by said down payment referred to in Section 1 hereof, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount of \$3,691,415 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not

exceeding \$3,691,415 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are for: (i) the acquisition and installation of tidal check valves at various low lying areas throughout the Township; (ii) drainage, bulkhead, and dredging improvements, as applicable, to various locations throughout the Township, including, but not limited to, Fletcher Drive, Channel Drive, Birch Bark Drive, Club House Plaza, Scheiber Drive and Hamilton Drive; (iii) a master site plan for the construction of a new Department of Public Works (“DPW”) building; (iv) recreational park improvements and upgrades to existing parks and beaches at various locations throughout the Township, including, but not limited to, Mallard Point Park and beachfront fencing; (v) the acquisition and installation of a Plymovent system for the Police Department to be used for the extraction and filtration of polluted indoor air, as well as visible and invisible air pollutants, such as welding fumes, oil mist, vehicle emissions and dust; (vi) improvements and upgrades to the dispatch radio consoles for the Police Department to provide a vital link between dispatchers and field personnel, helping to coordinate operations, monitor the safety of personnel and respond to emergencies, all as part of the Township’s radio project; (vii) construction of a new Police Department Special Operations Building to be located behind the Township’s Municipal Building; (viii) the acquisition and installation, as applicable, of a lightning warning alert system, a landfill monitoring system, new carpeting in the Tax Collector’s and Mayor’s offices, a new flag pole at Bayside Park, and loft/pallet racks and an enclosed trailer for the DPW; (ix) improvements and upgrades to the radio/Global Positioning System (GPS) for the DPW; and (x) improvements, repairs and upgrades, as applicable, to the Emma Havens Young Elementary School.

(b) The improvements and purposes set forth in Section 3(a) shall also include the following, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental reports and remediation, and all work, tools, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$3,691,415.

(d) The estimated cost of said improvements and purposes to the Township is \$3,885,700, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$194,285 available for said improvements and purposes.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized in Section 3 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized by this bond ordinance, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Ocean. In the event that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Ocean shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1 of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget of the Township, as applicable. The capital budget or temporary capital budget, as applicable, of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof in accordance with the limitations set forth in the Local Bond Law, is fifteen (15) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$3,691,415. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,622,860 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township and, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditure toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are "placed in service" (within the meaning of Treasury Regulation §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

**SECTION 10.** The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of the obligations of the Township authorized herein and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of the obligations of the Township, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued on a tax-exempt basis under this bond ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

### **Ordinance on Second Reading: Vacating Rights to a Public Right-of-Way – Division Street - Block 857 Lot 22**

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

President Minichino said the Council's Land Use Committee is recommending vacating a public right-of-way on Division Street. He said this request was originally review by the Committee in August 2021 and at that time, a resident reached out in regards to a suspected error on the tax map. He explained the suspected error appears as a "10' Wide Easement" on the tax map that runs through the property at 35 Division Street (Block 857 Lot 22). He said the easement passes through both lots 22 and 23, the neighboring property. He advised this easement actually originated on Lot 23 as a "10' Wide Right of Way and was determined by a deed from 1956 for the specific tract of land, that mentions the establishment of the R.O.W. occurring on a Civil Engineering Plan from 1951. He said the Township has been provided with a survey map, certified letters from the neighboring property owners confirming no interest, and a Termination of Access Easement.

President Minichino opened the public hearing on the Ordinance.

There were no comments from the public.

President Minichino closed the public hearing on the Ordinance.

Motion by Councilman Halloran and seconded by Councilwoman Zapcic to adopt the following Ordinance on Second and Final Reading and said Ordinance be published as provided by law:  
All Council Members voted AYE on Roll Call.

**AN ORDINANCE VACATING ANY RIGHTS TO A PUBLIC RIGHT-OF-WAY ACROSS PROPERTY KNOWN AS BLOCK 857, LOT 22, TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY.**

**Ordinance on Second Reading: Bond Ordinance – Nejecho Beach Lagoon Dredging Project**

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

Councilman Halloran said the Township has received a State-Wide Dredge Permit from the NJDEP, a project that has been years in the making. He advised the engineering department has identified five priority areas in need of dredge and have identified Nejecho Lagoon as the first lagoon to be dredged. He noted the project is slated to start in June. He said the 2022 Capital Budget includes the up-front costs needed to begin this project, and earlier on the agenda, the Council passed a resolution approving a temporary capital budget for this project so that they can meet the State’s dredging deadline. He advised this bond ordinance is needed to secure the funding for the project.

President Minichino opened the public hearing on the Ordinance.

Steve Brill, Jenny Court, stated his displeasure with the dredging, ownership rights and the cost to the taxpayers.

There were no further comments from the public.

President Minichino closed the public hearing on the Ordinance.

Motion by Councilwoman Pontoriero and seconded by Councilman 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.

**BOND ORDINANCE PROVIDING FOR THE DREDGING OF THE NEJECHO BEACH LAGOON (BLOCK 97, LOTS 96-114 AND BLOCK 98, LOTS 1, 2, 83-95), IN AND BY THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,700 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND THE SPECIAL ASSESSMENT OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as a local improvements to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township"), pursuant to N.J.S.A. 40:56-1 et seq., and the costs of said improvements shall be assessed on those properties specially benefitted thereby. For the improvements or purposes stated in Section 3, there is hereby appropriated the amount of \$300,000, including the amount of \$14,300 as the down payment for the improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes and to meet the part of the \$300,000 appropriation not provided for by application hereunder of the down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$285,700 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable

notes of the Township in a principal amount not exceeding \$285,700 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued is for the dredging of the Nejecho Beach Lagoon along various real properties in the Nejecho Beach Area, including Block 97, Lots 96-114 and Block 98, Lots 1, 2, 83-95, which properties are privately owned, such improvements and purposes may also include, but are not limited to, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes herein is \$285,700.

(c) The estimated cost of said improvements or purposes is \$300,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$285,700, is the down payment for said improvements or purposes in the amount of \$14,300.

(d) The properties to be specifically benefited by these improvements are Block 97, Lots 96-114 and Block 98, Lots 1, 2, 83-95 (collectively, the "Assessed Properties"), which Assessed Properties are also on file in the office of the Township Clerk and are hereby incorporated in this bond ordinance as if more fully set forth herein.

(e) The estimated total cost of the improvements or purposes to be assessed against the Assessed Properties is \$300,000.

(f) The estimated total cost of the improvements or purposes to be contributed and borne by the Township is \$0.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Ocean make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received. In the event, however, that any amount so contributed or granted shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Township. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Township, a revised capital or temporary capital budget for the Township has been filed with the Division of Local Government Services.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements and purposes described in Section 3 of this bond ordinance shall be undertaken as local improvements and are not current expenses and are improvements which the Township may lawfully undertake as local improvements, the costs of which have been or shall be specially assessed on the Assessed Properties, which Assessed Properties shall be specially benefited thereby.

(b) The Township will contribute \$0 to the cost of the improvements or purposes described in Section 3 hereof, and the Assessed Properties will contribute \$300,000 to the cost of the improvements or purposes described in Section 3 hereof.

(c) The number of annual installments in which the special assessments may be paid is ten (10) years.

(d) The estimated maximum amount of special assessments shall be \$300,000.

(e) At least seven (7) days prior to such time fixed for further consideration for final passage of this bond ordinance, a copy of this bond ordinance, together with a notice of the introduction hereof, and the time and place, when and where this bond ordinance will be further considered for final passage shall be mailed to the person whose land may be affected by this bond ordinance or any assessments which may be made in pursuance thereof, so far as the same may be ascertained, to his/her last known post office address.

(f) The period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

(g) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$285,700 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(h) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements described herein.

(i) If the amount of the assessments on the Assessed Properties is less than \$300,000, then the Township will contribute the difference between such reduced assessment and the cost of the improvements.

**SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, such as the special assessments on the Assessed Properties, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or any member of the same "Controlled Group" as the Township, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2.

**SECTION 10.** The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance on a tax-exempt basis.

**SECTION 11.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

President Minichino opened the public hearing portion of the meeting.

Vic Fanelli, 24 Meadow Point Drive, asked if the alcohol training is for every restaurant that serves alcohol and asked several other questions pertaining to that ordinance; stated his concerns with some of the items being purchased with the bond ordinances.

Councilwoman Zapcic said every licensed establishment – including liquor stores, restaurants and club licenses; she addressed his other concerns with the ordinance.

John Sluka, 950 Sylvia Court, read his letter regarding the parkway construction project and the need for a sound wall and various reforestation in various areas in Brick.

Robert Palmisano, 525 Broad Avenue, questioned when the lower section of Broad Avenue will be raised; he questioned why the grants the Township applied for were denied and asked if it was due to missing the deadline; he stated his displeasure with some areas on beach have no snow fencing; he spoke of a lawsuit between the NBIA with homeowners regarding beach access and said the Township is granting permits for homeowners that live on the beach to destroy the dunes and create walkways to the ocean and questioned why the Township is allowing this;

Joanne Bergin advised the Brick Grant is a rolling application process and advised she has a meeting the NJOEM this week and will be the first discussion she has and hopefully they will provide some insight; she said they were denied once last year and it is not true that they missed the deadline and advised she keeps the email group advised on the process; she advised the status of the Broad Avenue is unknown at this time; she said last years' Capital Budget largest amount given to any one project was the elevation project in Normandy Beach; she advised some Capital projects slotted for 2022.

Kevin Starkey advised there was a lawsuit that was filed a few years ago between a homeowner in Normandy Beach seeking that walkover and the township was dragged into that lawsuit as was the NBIA and advised the Township did not issue a permit to that homeowner; he said the judge in that case ruled three months ago that the homeowner was entitled to obtain a permit for the dune walkover so the Township processed the permit; he advised the Township has very little discretion on the dune walkovers – they are under the DEP regulations.

Joseph Gass, 218 Circle Drive, spoke of the Mayor's open-door policy, but yet has not been able to meet with him; he stated his concerns with some discrepancies with variances and board hearings where there are different requirements for himself and is not being done to any other applicants and feels there have been a lot of restrictions put on himself.

Joanne Bergin advised she will pass on the message to the Mayor and advised that they all know why you want to meet with him; she said the Mayor's position has been that you need to work everything out with the engineering department - agree or disagree they have been clear on what they expect from you to get a CO for your properties.

Kevin Starkey added the people in charge are the construction official and zoning office and they do not report to the Mayor such things they report to the State DCA, and comply with the Municipal Land Use Law and Construction regulations and the Mayor does not have authority to override them.

Robert Palmisano, 525 Broad Avenue, asked if the grant is approved how long would the grant be good for if there is no money in the 2022 Capital Budget to raise Broad Avenue.

Joanne advised once again it is a rolling application and when they are awarded and if they have to match the grant they can do a separate bond ordinance specific to that project.

There were no further comments from the public.

President Minichino closed the public hearing portion of the meeting.

Joanne Bergin congratulated and best wishes to Rick Orlando, Assistant Fire Bureau Chief, who received the 2022 Fire Protection Inspector of the Year Award from the NJ State Prevention and Protection Association.

Council Members congratulated the Brick United Cheer Team and Rick Orlando.

Motion by Councilwoman deJong and seconded by Councilman Halloran to Adjourn the meeting at 8:00 p.m.

All Council Members voted AYE.

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Vince Minichino  
Council President

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Lynnette A. Iannarone  
Township Clerk