



**Brick Township Council**  
**Caucus/Public Meeting**  
**November 21, 2023**  
**7:00 PM**  
**Agenda No. 1**

1. Call to order.
2. Adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on January 27, 2023. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).
3.
  - a. Roll Call.
  - b. Salute to the Flag/Pledge of Allegiance/Moment of Silence.
  - c. Accept Reports from Municipal Officers.
  - d. Approve Minutes from November 8, 2023 Meeting.

**Consent Agenda**

***“All matters listed under item “Consent Agenda” will be enacted by one motion in the form listed below. If discussion is desired on any item, this item will be removed from the Consent Agenda and will be considered separately.”***

4. Resolutions:
  - \_\_\_\_\_ 1. Authorize Budget Transfer.
  - \_\_\_\_\_ 2. Authorize Insertion of Chapter 159 – NJ Dept. of Transportation – FY2024 Municipal Aid Program for Normandy Beach Phase 2 – Elevation of Broad Avenue.
  - \_\_\_\_\_ 3. Authorize Receipt of Bids – Purchase & Delivery of Sign Materials.
  - \_\_\_\_\_ 4. Authorize Award of Contract – Bay Harbor Estates Roadway Improvements.
  - \_\_\_\_\_ 5. Authorize Change Order #4 – Brick Police Department Special Operations Garage.
  - \_\_\_\_\_ 6. Tax Collector:
    - a. 100% DAV/Widow of Veteran Deduction – Block 1158.15, Lot 1.
    - b. 100% DAV/Widow of Veteran Deduction – Block 1192.06, Lot 2.
    - c. Tax Overpayments – Block 1429.02, Lot 2 & Block 842, Lot 27.

\*\*\*\*\***End of Consent Agenda**\*\*\*\*\*

- \_\_\_\_\_ 7. Bill Resolution – Computer 2023.
- \_\_\_\_\_ 8. Bill Resolution – Manual 2023.

5. Ordinance on First Reading:
  - \_\_\_\_\_ 1. Bond Ordinance – Acquisition of Property for Open Space.

6. Public Comments.  
**Please note that each person addressing the Council during any section of the meeting during which public comment is permitted shall limit his/her remarks to five minutes pursuant to Brick Township Administrative Code Section 2 -33B.**

7. Council Comments.

8. Motion to Adjourn.  
**And any other matters which may come before Council.**  
**Formal Action may be taken at all meetings.**

**Next scheduled Caucus/Public Meeting will be held on Tuesday, December 12, 2023 at 7:00 p.m.**

**RESOLUTION**

**WHEREAS**, a review of the disbursements and commitments against the 2023 budget has disclosed the necessity for certain adjustments to the budget appropriations; and,

**WHEREAS**, N.J.S.A. 40A:4-58 authorizes transfers during the last two months of any fiscal year.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Brick, County of Ocean, State of New Jersey, as follows:

1. That the following transfers between certain 2023 Budget appropriations be and the same are hereby authorized:

**GENERAL APPROPRIATIONS WITHIN/OUTSIDE CAP**

**Transferred To:**

*Salary and Wages*

Human Resources	\$ 5,000.00
Crossing Guards	\$ 20,000.00
Emergency Mangt.	\$ 200.00
Vehicle Maintenance	\$ 20,000.00
Recreation	\$ 60,000.00

*Subtotal* \$ 105,200.00

**Transferred To:**

*Other Expenses*

Inspections	\$ 8,000.00
Insurance	\$ 1,725,000.00
Landfill	\$ 535,000.00
Water & Sewer	\$ 5,000.00

*Subtotal* \$ 2,273,000.00

*Total Transferred To* \$ 2,378,200.00

**Transferred From:**

*Salary and Wages*

Administration	\$ 10,200.00
Purchasing	\$ 25,000.00
Mayor	\$ 5,000.00
Clerk	\$ 15,000.00
Treasurer	\$ 95,000.00
Data Processing	\$ 40,000.00
Collector	\$ 25,000.00
Assessor	\$ 35,000.00
Engineering	\$ 50,000.00
Land Use	\$ 5,000.00
Inspections	\$ 175,000.00
Other Code	\$ 25,000.00
Police	\$ 900,000.00
Dispatch	\$ 230,000.00
Sanitation	\$ 300,000.00
Buildings & Grounds	\$ 60,000.00
Senior Citizens	\$ 60,000.00
Parks	\$ 55,000.00
Court	\$ 50,000.00
EMT	\$ 140,000.00

*Subtotal* \$ 2,300,200.00

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**Transferred From:**  
*Other Expenses*

Electric	\$	13,000.00
Social Security	\$	65,000.00

<i>Subtotal</i>	<u>\$</u>	<u>78,000.00</u>
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<i>Total Transferred From</i>		<u>\$ 2,378,200.00</u>
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**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick on November 21, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of November 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

**RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND  
APPROPRIATION NJS 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**WHEREAS**, additional monies are available through the State of New Jersey - Department of Transportation – Fiscal Year 2024 Municipal Aid Program in the amount of \$401,859.00 for the Normandy Phase 2 – Elevation of Broad Avenue, Arrow Court and Normandy Drive;

**NOW, THEREFORE BE IT RESOLVED**, that Township Council of the Township of Brick in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of monies as an item of revenue in the budget of 2023 in the amount of \$401,859.00, which is now available from the State of New Jersey - Department of Transportation – Fiscal Year 2024 Municipal Aid Program for the Normandy Phase 2 – Elevation of Broad Avenue, Arrow Court and Normandy Drive.

**BE IT FURTHER RESOLVED** that the like sum of \$401,859.00 is hereby appropriated under the caption Public and Private Programs Offset by Revenues – State of New Jersey - Department of Transportation – Fiscal Year 2024 Municipal Aid Program for Normandy Phase 2 – Elevation of Broad Avenue, Arrow Court and Normandy Drive Grant.

**BE IT FURTHER RESOLVED**, that the above is the result of funds received from the State of New Jersey – Department of Transportation – Fiscal Year 2024 Municipal Aid Program for Normandy Phase 2 – Elevation of Broad Avenue, Arrow Court and Normandy Drive Grant in the amount of \$401,859.00.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on November 21, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of November, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**WHEREAS**, it has been brought to the attention of the governing body of the Township of Brick that the Division of Purchasing and Contracting is desirous of receiving bids for the following item:

**PURCHASE AND DELIVERY OF SIGN MATERIALS**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, AND STATE OF NEW JERSEY, AS FOLLOWS:**

1. That the Division of Purchasing and Contracting is hereby authorized to prepare bid specifications for the above-mentioned project.
2. That the Division of Purchasing and Contracting is hereby authorized to advertise for the receiving of bids for the above-mentioned project.

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on November 21, 2023.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of November, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**WHEREAS**, sealed bids were received by the Division of Purchasing and Contracting of the Township of Brick for Bay Harbor Estates Roadway Improvements on Thursday, November 9, 2023 and

**WHEREAS**, the bids have been reviewed by Pennoni; and

**WHEREAS**, Pennoni has recommended award of said bid to the lowest responsive and responsible bidder being in full compliance with the bid specifications.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:**

1. That the contract for Bay Harbor Estates Roadway Improvements is hereby awarded to Earle Asphalt Company, P.O. Box 556, Farmingdale, NJ 07727 for a total amount of \$851,503.13.
2. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto. The following is the line item appropriation and ordinance which constitutes the availability of funds for this contract:  
Ordinance #11-23 – account C-04-55-886-401 – \$660,143.74  
Ordinance #11-23 – account C-04-55-886-601 – \$191,359.39
3. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of contract, which shall be available for public examination in the Office of the Township Clerk during normal business hours.
4. That the Purchasing Agent is hereby authorized to return any and all bid securities submitted by any unsuccessful bidders pursuant to N.J.S.A. 40A:11-24.
5. That the Township Clerk shall further forward a certified copy of this resolution to the vendor, Pennoni, Business Administrator, Chief Financial Officer, Township Engineer, Superintendent of Public Works and the Purchasing Agent.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting held on November 21, 2023.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of November, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**CHANGE ORDER #4**

**WHEREAS**, the Township of Brick previously awarded a contract to Gavan General Contracting, Inc., 92 Forest Drive, Lakewood, NJ 08701 on May 24, 2022 for the project known as "Brick Township Police Department Special Operations Garage" for a total contract price in the amount of \$1,057,881.69; and

**WHEREAS**, Change Order #1 was authorized on July 26, 2022 commensurately increasing the contract by \$89,613.09 from \$1,057,881.69 to \$1,147,494.78; and

**WHEREAS**, Change Order #2 was authorized on March 14, 2023 commensurately increasing the contract by \$39,936.91 from \$1,147,494.78 to \$1,187,431.69; and

**WHEREAS**, Change Order #3 was authorized on August 8, 2023 commensurately increasing the contract by \$18,174.22 from \$1,187,431.69 to \$1,205,605.91; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-11.7 the consulting engineer has recommended the approval of Change Order #4 increasing the contract by \$46,950.00 from \$1,205,605.91 to \$1,252,555.91 to include installation of new gas lines and four (4) heaters; and

**WHEREAS**, it is now the desire of this Township Council to act upon the consulting engineer's recommendation and to approve said Change Order #4.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY**, as follows:

1. That the above-mentioned Change Order #4 is hereby authorized to include installation of new gas lines and four (4) heaters.
2. That a Certificate of Availability of Funds has been issued by the Chief Financial Officer and is attached hereto. The following are the line item appropriation and ordinance which constitutes the availability of funds for this contract:  
Ordinance #11-17 – account C-04-55-858-601 – \$46,950.00
3. That the Township Clerk shall further forward a certified copy of this resolution to the contractor, Colliers Engineering & Design, Business Administrator, Chief Financial Officer, Township Engineer, Chief of Police, Superintendent of Public Works and the Purchasing Agent.

**CERTIFICATION**

I, Lynnette A. Iannarone, Clerk of the Township of Brick in the County of Ocean and State of New Jersey, do certify that the foregoing resolution was duly passed by the Township Council of the Township of Brick at a regular meeting of said Council on November 21, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of November, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 1158.15, Lot 1 Account # 520338 as of 12-23-2022.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 12-23-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1158.15 /1/520338 6 BEDFORD AVE.	BECK, JOHN A	\$208.44 – 2022 <u>\$8,327.85 – 2023</u> \$8,536.29

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk for the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on November 21, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this 21<sup>st</sup> day of November, 2023.

\_\_\_\_\_  
LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that 100% DAV/ Widow of Veteran deductions has been granted on Block 1192.06, Lot 2 Account # 621028 as of 10-26-2022.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Brick, County of Ocean and State of New Jersey, that the Tax Collector be authorized to cancel taxes from 10-26-2022 and forward and refund as follows.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1192.06/2/621028	FREDERICKS, JOHN	\$419.86 – 2022
17 DRYDEN ROAD		<u>\$2,070.95 – 2023</u>
		\$2,490.81

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk for the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on November 21, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this 21<sup>st</sup> day of November, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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**RESOLUTION**

**WHEREAS**, Kelly Napolitano, Tax Collector for the Township of Brick is advising the Township Council that there are overpayments of taxes for the year 2023.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council in the Township of Brick, County of Ocean and State of New Jersey, that the Township Treasurer be authorized to refund any and all monies due the individual property owner or bank who was responsible for the overpayment.

<u>Block/Lot/Account #</u>	<u>Name</u>	<u>Amount</u>
1429.02/2/c0452/728505 452 Lonna Court	Cosmos Title Agency, LLC	\$1,108.99
842/27/414908 1710 W. Princeton Ave.	Corelogic Refunds Dept.	\$1,720.15

**CERTIFICATION**

I, Lynnette A. Iannarone, Township Clerk of the Township of Brick, County of Ocean and State of New Jersey, do certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council of the Township of Brick at a meeting of said Township Council on November 21, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal of this Township this 21<sup>st</sup> day of November, 2023.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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TOWNSHIP OF BRICK  
BOND ORDINANCE NUMBER \_\_\_\_\_

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND PURCHASE OF REAL PROPERTY FOR OPEN SPACE PRESERVATION PURPOSES, BY AND IN THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROPRIATING \$390,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$370,500 IN BONDS OR NOTES OF THE TOWNSHIP TO FINANCE 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 general improvements or purposes to be undertaken by the Township of Brick, in the County of Ocean, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the principal amount of \$390,000, said amount being inclusive of a down payment in the amount of \$19,500 now available for said improvements or purposes as required by the Local Bond Law of the State of New Jersey, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), by virtue of a provision or provisions 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 described in Section 3 hereof and to meet the part of said \$390,000 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 a principal amount not exceeding \$370,500 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$370,500 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are for the acquisition and purchase of real property for open space preservation and conservation purposes, including, but not limited to, (i) real property consisting of vacant land designated as Block 1225, Lots 565, 567, 574 and 577, and Block 1386, Lot 1, on the Official Tax Map of the Township, and more

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commonly known as Herbertsville Road and Maple Avenue in the Township; and (ii) real property consisting of vacant land designated as Block 1224, Lot 636 (including additional sub-lots 637 through 648), on the Official Tax Map of the Township, and more commonly known as Second Avenue in the Township (clauses (i) and (ii) above are hereinafter collectively referred to as the "Properties").

(b) The improvements and purposes set forth in Section 3(a) above shall also include, as applicable, all legal fees, title search fees, closing costs, appraisal fees, advertising fees, survey fees, environmental and soil testing and remediation, bid documents, contract administration, work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements and purposes is \$370,500.

(d) The aggregate estimated cost of said improvements and purposes is \$390,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$19,500, which is the down payment available for said improvements or 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 2 hereof, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Ocean. In the event, however, 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 budget or temporary capital budget of the Township, a revised capital budget or temporary capital budget has been filed with the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

**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, within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) 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 \$370,500. 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 \$40,000 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 improvements or purposes herein before 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 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. 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 Regulations §1.150-2) or abandoned, but in no event more than three 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 the 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 is hereby authorized to acquire the Properties and to negotiate an agreement of purchase and sale for the purchase of the Properties. The Mayor, Business Administrator, Chief Financial Officer, Township Attorney and Township Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of purchase and sale and any and all documents, instruments, affidavits, certificates and agreements necessary to acquire and purchase said Properties.

**SECTION 12.** 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 13.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

#### NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Brick held on the 21<sup>st</sup> day of November, 2023 and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 12<sup>th</sup> day of December 2023 at 7:00 p.m., at the Municipal Building, located at 401 Chambers Bridge Road, Brick, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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LYNNETTE A. IANNARONE  
TOWNSHIP CLERK

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LISA CRATE  
MAYOR