

May 14, 2024

A 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.

Township Clerk Iannarone announced adequate notice of this meeting was provided and published in the Asbury Park Press and The Ocean Star on February 16, 2024. 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))

Present  
Councilman Perry Albanese  
Councilwoman Marianna Pontoriero  
Councilwoman Heather deJong  
Councilman Steve Feinman  
Councilwoman Melissa Travers  
Council Vice President Derrick Ambrosino  
Council President Vince Minichino

Also Present  
Kevin Starkey, Township Attorney  
Lynnette A. Iannarone, Township Clerk  
Lisa Crate, Mayor  
Joanne Bergin, Business Administrator

The meeting began with the Pledge of Allegiance followed by a moment of silence.

Motion by Councilman Feinman and seconded by Councilman Albanese to dispense with the reading of the minutes from the April 23, 2024 meeting and approve same.

All Council Members voted AYE on the Roll Call.

Council President Minichino abstained due to his absence.

### **Presentations**

#### **Recognize Harvey Ludington, BMHS Wrestler**

Mayor Crate and Councilman Albanese presented Harvey Ludington with a proclamation for his outstanding wrestling season at Brick Memorial High School capturing the 2024 State Championship and finishing the season 35-0. Harvey is currently ranked first in the country. He was accompanied by his Coach Michael Kiley.

#### **Recognize EMS Week**

Mayor Crate presented the EMS Department with a proclamation recognizing the week of May 19<sup>th</sup> through May 25<sup>th</sup> as EMS Week. She said she believes they are the finest in the State and she always hears good things about their service.

#### **Recognize Older Americans Month**

Mayor Crate and Councilwoman deJong recognized May 2024 as Older Americans Month in the Township of Brick. Councilwoman deJong read the proclamation noting the theme "Powered by Connection" and presented to Director of Senior Services Zulma Soto and the senior volunteers. Councilwoman deJong said Zulma and her staff do a great job and offer many programs along with the community café. She thanked the volunteers for their hard work.

Motion by Council Vice President Ambrosino and seconded by Councilwoman Travers to adopt the following Resolutions:

All Council Members voted AYE on the Roll Call.

#### **Authorize Acceptance of 2023 Audit**

Council President Minichino advised this resolution authorizes the acceptance of the 2023 audit. There were no findings in this audit, which reflects the hard work and acumen of the Chief Financial Officer and the finance department staff.

#### **Authorize Insertion of Chapter 159 – NJDCA Dialysis Transportation 2024**

Councilwoman deJong stated this resolution authorizes the insertion of a grant in the amount of \$200,000.00 from the New Jersey Department of Community Affairs to help offset the costs of providing dialysis transportation to seniors.

#### **Authorize Insertion of Chapter 159 – NJ Hwy. Traffic Safety Distracted Driving Crackdown**

Councilwoman Travers said this resolution authorizes the insertion of a grant in the amount of \$14,000.00 from the State of New Jersey Division of Highway Traffic Safety

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for the Distracted Driving Crackdown program. These funds are used to offset the costs of police enforcement.

**Authorize Insertion of Chapter 159 – NJDEP Green Acres Program – Breton Woods Property**

Councilman Feinman advised this resolution authorizes the insertion of a grant in the amount of \$1.2 million from the New Jersey Department of Environmental Protection Green Acres Program for the acquisition of the Breton Woods property.

**Authorize Insertion of Chapter 159 – NJDEP Green Acres Program – Multi-Park Improvements 2**

Councilwoman Pontoriero stated this resolution authorizes the insertion of a grant in the amount of \$1,102,536.00 from the New Jersey Department of Environmental Protection Green Acres Program for the multi-park improvement grant that they have applied to the renovation of parks throughout town, most recently Cedar Bridge Manor Park.

**Authorize Insertion of Chapter 159 – Ocean County Planning Board – Pumpout Boat Grant**

Councilman Feinman explained this resolution authorizes the insertion of a grant in the amount of \$50,000.00 from the Ocean County Planning Board for the operation and maintenance of three pumpout boats, the “Bay Saver,” “Bay Defender” and a third boat that arrived last week, which service the effluent discharge need of boaters in Brick Township’s waters. The pumpout boats provide a convenient, inexpensive and environmentally safe means for boaters to dispose of effluent waste. In this grant, Brick operates and maintains the pumpout boats and the County reimburses the Township up to \$50,000.00 for costs incurred for the three boats.

**Authorize Insertion of Chapter 159 – NJ Dept. of Treasury – Hazardous Waste 2021 Recycling Tonnage Grant**

Councilman Albanese said this resolution authorizes the insertion of a grant in the amount of \$125,503.05 from the New Jersey Department of the Treasury for the Hazardous Waste 2021 Recycling Tonnage Grant. In this program, the Township receives grant funds based on the amount of recycling produced.

**Authorize Insertion of Chapter 159 – NJ Dept. of Law & Public Safety - Safe and Secure Communities Program Grant 2024**

Council Vice President Ambrosino advised this resolution authorizes the insertion of a grant in the amount of \$45,150.00 from the New Jersey Department of Law and Public Safety for the Safe and Secure Communities Program Grant. The Safe and Secure Communities Program, enacted into law in 1993, is designed to provide municipalities with funding to add law enforcement personnel vital to effective police operations and other crime related strategies as warranted by the needs of the community. The program allows for the funding of additional officers or funding of law enforcement support personnel which would free-up officers for direct law enforcement activities. In Brick Township, these funds are used to offset police department salaries.

**Authorize Bid for Alternate and Conflict Public Defender**

Council President Minichino stated this resolution authorizes the receipt of bids for alternate and conflict public defender in order to add to the pool of vendors previously awarded a contract on January 2, 2024.

**Authorize Amendment of Municipal and Conflict Prosecutor Pool**

Councilwoman deJong said this resolution authorizes an amendment to the municipal and conflict prosecutor pool. There have been employment changes at Destribats Campbell Staub & Schroth and the firm has requested a change in their designated attorneys for the pool.

**Authorize Amendment of Code Enforcement Prosecutor Pool**

Councilwoman Pontoriero explained this resolution authorizes an amendment to the code enforcement prosecutor pool. There have been employment changes at Destribats Campbell Staub & Schroth and the firm has requested a change in their designated attorneys for the pool.

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**Authorize Contract for Manufacturing and Printing of Tax Bills**

Councilman Albanese advised this resolution authorizes the award of contract for manufacturing and printing of tax bills to Munidex, at an approved schedule of prices. This is a unit price contract not to exceed \$27,000.00 per year with funds to be certified prior to each order.

**Authorize Contract – Spatial Data Logic Enterprise License**

Councilwoman Travers stated this resolution authorizes a contract in the amount of \$66,500.00 with SHI International Corporation, for the renewal of the Spatial Data Logic software used in the building department, as well as engineering, zoning and code enforcement for permit and violations tracking.

**Authorize Purchase and Delivery of Six Ford Police Interceptor Utility Vehicles**

Council Vice President Ambrosino advised this resolution authorizes the receipt of bids for the purchase and delivery of six Ford Police Interceptor Utility Vehicles. These vehicles were included in the Police Department's 2024 operating budget.

**Authorize Sale of Surplus Personal Property – Auction 2024-2 – IT Equipment**

Council President Minichino said this resolution authorizes the sale of surplus personal property through an online auction with Municibid. This auction will comprise of various IT equipment.

**Authorize Agreement for Beach Rake – Seneca Dunes**

Councilman Albanese stated this resolution authorizes the execution of a shared services agreement with the Seneca Dunes Homeowners Association for beach sweeping maintenance for the 2024 summer season. All cost for manpower and equipment will be paid for by the Association, including diesel fuel for the beach rake.

**Authorize Shared Services Agreement with Flood Mitigation Consortium**

Mayor Crate explained this resolution authorizes participation in the Ocean County Flood Mitigation Consortium. The purpose of the Consortium is to obtain information and data inclusive of prior environmental studies, reviews and analyses of environmental resilience related issues conducted by consortium members either internally or by professional contractors, for the purpose of sharing information, issues and findings for the joint development of a regional flood mitigation plan or plans and/or local mitigation project alternatives and equally sharing engineering costs for development of these regional flood mitigation plans and seeking grant funding for the implementation of any projects that are identified as part of the consortium's work.

**Authorize Participation in National Cooperative – Savvik Buying Group**

Councilwoman Travers stated this resolution authorizes participation in the Savvik Buying Group, a national cooperative that specializes in equipment for emergency medical squads.

**Authorize to Opt-Out of DCA Emergency Building Inspection Program**

Councilman Feinman advised this resolution authorizes the Township's position to opt out of the State's Emergency Building Inspection program. The Council's Land Use Committee discussed the State program and agreed with Construction Official Dan Newman that opting out is preferable. Opting in means that the building inspectors would assist another municipality in an emergency, without reimbursement for those salaries and hours spent. While it would be beneficial for Brick to have the ability to have additional inspectors assigned in an emergency, they can share resources in mutually beneficial ways that are not as restrictive and allow them to determine their needs, and capabilities to assist.

**Authorize Amendment to Dental Insurance – Dental Services Organization/Eastern Dental Management**

Councilwoman Pontoriero stated this resolution authorizes an amendment to the contract with Eastern Dental Management. The rates have not changed since the contract was originally awarded; however, the Township identified an error in the billing paperwork.

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**Authorize Amendment to Stop Loss Insurance – Sun Life Assurance**

Council Vice President Ambrosino said this resolution authorizes an amendment to the contract with Sun Life Assurance. The rates have not changed since they originally awarded the contract; however, the Township identified an error in the billing paperwork.

**Bond Releases/Reductions:** Clerk Iannarone advised of the following:

- Inspection Fund Release – Block 646.09, Lot 1
- Performance Bond Release – Block 990.11, Lot 11.

**Tax Collector:** Business Administrator Bergin advised of the following:

- Tax Overpayment 2024 – Block 842, Lot 27

Council President Minichino opened the public hearing on the Resolutions.

Sam Foster had a couple of questions – one on the auction of IT equipment and the other on the tax overpayments.

Business Administrator Bergin replied the auction is not held the same time every year and no date has been set yet but he could look at a list on-line once it is posted. With regards to the tax overpayments sometimes payments are made on estimated bills or an error on the part of the taxpayer.

Nan Coll said the information on the agenda is very sparse and the council should supply more detail such as addresses and names. She also said she missed the explanation for dialysis transportation resolution.

Councilwoman deJong reread the explanation of that item.

Nan Coll questioned the grants and the bid for alternate and conflict public defender. She said they should hold town hall meetings to go over things in more detail.

Business Administrator Bergin advised the grants received were for specific purposes. The bid is to obtain a bigger pool of attorneys.

Nan Coll also questioned the flood mitigation consortium and said she had a problem at her house in Greenbriar 2 due to her homeowner's association not maintaining it properly.

Mayor Crate advised it is a gathering of the barrier island mayors who came together to alleviate the flooding issues on the barrier island.

John Sluka asked what Chapter 159 was – for grants?

Business Administrator Bergin yes and the Chapter 159s are needed to add the funds into the budget because they came after the adoption.

There were no further comments from the public.

Council President Minichino closed the public hearing on the Resolutions.

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

There were no comments from the public.

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

Motion by Councilwoman Pontoriero and seconded by Councilwoman Travers to adopt the following Resolution:

- All Council Members voted AYE on the Roll Call.
- Councilwoman deJong abstained on Community Services Inc.
- Council President Minichino abstained on Teamsters.

**2024 Computer Bill Resolution in the amount of \$2,632,046.25.**

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

There were no comments from the public.

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

Motion by Council Vice President Ambrosino and seconded by Councilman Albanese to adopt the following Resolution:

All Council Members voted AYE on the Roll Call.

**2024 Manual Bill Resolution in the amount of \$3,886,281.74.**

**Ordinance on First Reading**

**Amend Chapter 245 to Establish Requirements for Maximum Driveway Width**

Clerk Iannarone read the title of Ordinance.

Council Vice President Ambrosino explained the Council's Land Use Committee recommended this ordinance to limit driveway width designated by curb cuts which will ultimately create more on-street parking. The Barrier Island and mainland waterfront development would benefit from an ordinance such as this where parking is limited because of the lack of curb cuts. The absence of such regulations has allowed property owners to essentially create a driveway the entire length of their lots causing no usable area along the right-of-way for parking. The ordinance has a minimum (18 feet) and maximum (25 feet) requirement along a separation minimum when two driveways are proposed on a residential lot. This ordinance does not address any existing conditions, only new construction or property owners applying for a permit. Existing conditions are grandfathered and do not have to come into compliance.

Motion by Council Vice President Ambrosino and seconded by Councilwoman Travers to Adopt the following Ordinance on First Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on the Roll Call.

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,  
STATE OF NEW JERSEY AMENDING CHAPTER 245 TO ESTABLISH  
REQUIREMENTS FOR MAXIMUM DRIVEWAY WIDTH IN THE R-5 AND  
R-7.5 ZONES AND TO ESTABLISH DESIGN AND SETBACK  
REQUIREMENTS FOR PARKING AREAS**

**Ordinance on Second Reading**

**Bond Ordinance – 5 Year Life**

Clerk Iannarone read title of the Ordinance into the record.

Councilwoman deJong advised this explanation pertains to all four bond ordinances. The 2024 capital budget totals \$10 million. At the outset, the total requests for capital funds exceeded \$20 million, but the department heads worked hard to back into manageable numbers. Highlights of the 2024 capital budget include: improvements to the Brick Beach 3 Concession Building, Year 1 of the park's safety surface replacement program, with Frede Park scheduled as the first priority for 2024; a high-water response vehicle for the Police Department; remounting two ambulances; cameras and lights at Pinewood Park; a side arm garbage truck and a rear loading garbage truck for DPW; and funds towards the permitting and design of the DPW Public Works Master Site plan. This year's capital budget also includes \$75,000.00 for design costs for a new public safety building that the Township would like to build on the Barrier Island. The new building will house the Police Department (including summer crossing guards), EMS and the fire department. The capital budget also includes over \$3 million in up-front costs to begin the dredge/marshland restoration project.

Motion by Councilwoman Pontoriero and seconded by Council Vice President Ambrosino to Adopt the following Ordinance on Second Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on the Roll Call.

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**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 \$2,869,570 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,726,092 BONDS OR NOTES OF THE TOWNSHIP 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 \$2,869,570, said amount being inclusive of a down payment in the amount of \$143,478 now available for said improvements or purposes as required by the Local Bond Law of the State of New Jersey, 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 \$2,869,570 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 \$2,726,092 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 \$2,726,092 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, furniture, and equipment for various departments within the Township, including, but not limited to: (i) **Department of Administration** – the acquisition of two (2) ambulance remounts for the Division of Emergency Medical Services; and the acquisition of a SUV passenger vehicle for Senior Services; and the acquisition of two (2) Stryker power cots, ten (10) portable radios, and two (2) multi-gas detector meters for the Division of Emergency Medical Services; (ii) **Building Department** – the acquisition of a passenger vehicle for the Division of Inspections; and the demolition of various Township-owned houses for the Division of Inspections; (iii) **Police Department** – the acquisition of a non-passenger supervisor patrol vehicle, a Command vehicle and a High Water Response vehicle for the Division of Administrative Services; a Street Crimes Unit vehicle for the Division of Investigations; and the acquisition of gas mask filters and holographic weapon sights for the Community Policing Division; (iv) **Department of Public Works** – the development of a master site plan; the acquisition of a Toro utility vehicle and turf tractor vehicle for the Parks Division; a side arm garbage truck and rear loading garbage truck for the Sanitation Division; various improvements and upgrades to Bayside Park for the Parks Division, including but not limited to the acquisition of picnic tables, bleachers, barricades, and various tools; and the acquisition of a printer for the Signs Division; (v) **Department of Recreation** – the acquisition of a pick-up truck with plow for the Marina; and various acquisitions and improvements for the Marina, including but not limited to tires, a scale, and throttle for travel life services; (vi) **Tax** – the acquisition of various office furniture for the Tax Assessor Department and for the office of the Tax Collector Department; (vii) **Office of the Municipal Clerk** – acquisition of an office chair for the office of the municipal clerk; and (viii) **Municipal Court** – the acquisition of various office furniture for the municipal court.

(b) The improvements and purposes set forth in Section 3(a) shall also include, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation, and also all work,

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tools, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$2,726,092.

(d) The aggregate estimated cost of said improvements and purposes by the Township is \$2,869,570, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$143,478 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 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.

**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

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this bond ordinance by \$2,726,092. 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 \$430,437 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 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 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 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 of this bond ordinance after final adoption and approval by the Mayor, 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 Council Vice President Ambrosino Travers and seconded by Councilwoman Pontoriero to Adopt the following Ordinance on Second Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on the 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 \$441,100 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$419,045 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

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**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 \$441,100, said amount being inclusive of a down payment in the amount of \$22,055 now available for said improvements or purposes as required by the Local Bond Law of the State of New Jersey, 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 \$441,100 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 \$419,045 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 \$419,045 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 of various equipment, as applicable, including but not limited to (i) the replacement audio equipment and meeting video recording systems for the municipal court; (ii) camera systems and Axis camera station recording servers for Cedar Bridge Manor Park and Mallard Point Park; (iii) a fluid mesh wireless network for Drum Point Sports Complex cameras; (iv) sixty-seven (67) new computers and workstations for the Information Technology Department; (v) twelve (12) laptops for the municipal court; (vi) camera systems for four (4) Senior buses; (vii) a traffic light and security camera for Pinewood Drive; and (viii) a replacement server for New World Systems for 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 testing and remediation, and also all work, tools, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$441,100.

(d) The aggregate estimated cost of said improvements and purposes by the Township is \$419,045, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$22,055 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

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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.

**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 \$441,100. 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 \$66,165 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 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

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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 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 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 of this bond ordinance after final adoption and approval by the Mayor, 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 Council Vice President Ambrosino and seconded by Councilwoman Travers to Adopt the following Ordinance on Second Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on the 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 \$3,811,570 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,620,991 BONDS OR NOTES OF THE TOWNSHIP 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 \$3,811,570, said amount being inclusive of a down payment in the amount of \$190,579 now available for said improvements or purposes as required by the Local Bond Law of the State of New Jersey, 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 \$3,811,570 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 \$3,620,991 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 \$3,620,991 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, said Local Bond Law.

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**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 to various locations throughout the Township, including but not limited to Cherie Manor, Greenbriar Association, Cherry Quay Community Association, North Lake Drive, Olive Court, and Courtshire Drive; (ii) repairs to the asphalt for various roads throughout the Township for the Department of Public Works; (iii) the drainage project for the Bay View Drive flood zone area and Normandy Beach in the Township; (iv) the acquisition and installation of various facilities and equipment for the Police Department, including but not limited to a storage shed and fencing for the impound lot for the Administration Division, six (6) portable radios, ten (10) radars, a back-up radio console, an electronic solar-powered speed sign, a 6Kw portable light tower and a 16-foot enclosed trailer; (v) the acquisition of a barrier island for the Fire Department.

(b) The improvements and purposes set forth in Section 3(a) shall also include, as applicable, to milling, paving, tarring, striping, curbs, aprons, ADA walkways and driveways, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation, and also all work, tools, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$3,620,991.

(d) The aggregate estimated cost of said improvements and purposes by the Township is \$3,811,570, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$190,579 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

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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.

**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 \$3,620,991. 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 \$1,806,906 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 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 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 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.

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**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication of this bond ordinance after final adoption and approval by the Mayor, 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 Feinman and seconded by Councilwoman deJong to Adopt the following Ordinance on First Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on the 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 \$2,877,760 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,733,872 BONDS OR NOTES OF THE TOWNSHIP 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 amount of \$2,877,760, said amount being inclusive of a down payment in the amount of \$143,888 now available for said improvements or purposes as required by the Local Bond Law of the State of New Jersey, 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 \$2,877,760 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 \$2,733,872 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 \$2,733,872 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) improvements to the Civic Plaza gym floor for the Department of Recreation; (ii) repairs to the canopy for the Department of Public Works; (iii) various HVAC improvements and upgrades for the computer room for the Department of Public Works; (iv) the replacement of the roof of the Boland Club House for the Department of Public Works; and (v) various improvements to the Forsythe Wildlife Refuge for the Department of Administration, including but not limited to the dredging and moving of spoils for the restoration of the marshland.

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

(c) The aggregate estimated maximum amount of bonds or notes to be issued by the Township for said improvements and purposes is \$2,733,872.

(d) The aggregate estimated cost of said improvements and purposes by the Township is \$2,877,760, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$143,888 available for said improvements and purposes.

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**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 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.

**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 \$2,733,872. 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 \$650,000 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 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

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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 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 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 of this bond ordinance after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Council President Minichino opened the public hearing portion of the meeting.

Sam Foster asked why the Police Records window was boarded up. He also asked through the chair if a permit is needed to hold a protest.

Business Administrator Bergin replied that Police Records pulls down a shade when the office is closed.

Attorney Starkey said that protests fall under the 1<sup>st</sup> Amendment and citizens have the right to protest peacefully. The Township does have the authority to protect the safety of the citizens.

John Sluka read his letter dated May 13, 2024 stating that air pollution is harmful to everyone and affects everyone all over the world. He said that air pollution is a human carcinogen and nothing is being done to protect the citizens and the time for action is now and grand openings and celebrations should not take precedent. He said that the Township should sue the State for the suffering it's caused the citizens since toxins are killing everyone.

Melanie Briggs asked if new microphones could be purchased because it is difficult to hear everyone when they are speaking. She thanked the EMS who are always professional and comforting and a great resource to Brick Township.

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Nan Coll asked the attorney to double check if its necessary to get a permit to hold a protest.

Bob Mattiliano inquired about the dredging process and whether taxes would go up for those not interested in the dredging. He thanked the three police officers that participated in the Unity Tour. He asked for ordinances to be in place prohibiting landscapers from blowing debris in the street and to limit noise levels.

Business Administrator Bergin advised that the dredging decision is based upon majority rule and all taxes would be increased to offset the costs. With regards to the two ordinance requests, they have one for the landscapers but the code enforcement officer has to observe the violation. With regards to the noise, there is an 11pm curfew but PD has to prioritize calls. She offered to email him copies of the ordinances.

Bob Mattiliano said he cannot use his waterway and he's paying taxes for being on the water. He stated that Forge Pond was dredged and his waterway is similar. It's a natural waterway filled with construction material and run off and now an island has formed. He also asked if they could look into the Police Department getting Tesla's to experiment to see if it could save on fuel.

Business Administrator Bergin replied they are investigating but they need the technology to be there.

There were no further comments from the public.

Council President Minichino closed the public hearing portion of the meeting.

Business Administrator Bergin read the following statement regarding Evergreen Woods: For the past ten years - since 2014 - the Township has been actively engaged in advocating for the residents in Evergreen Woods who have a requested a sound wall.

Since 2014 we have illustrated consistent, diligent and strong advocacy to Government entities that are not under contract with the Township and are not under our auspices. In 2014, we authorized legal research on Federal Highway Administration noise regulations to determine if there was a strategic legal basis for litigation. We conducted lengthy legal research with the NJDEP regarding the No Net Loss program to determine if the Township's grant funds could be used to implement a landscape project as a buffer to the community. The NJDEP determined that the Township could only proceed if the Evergreen Woods Association provided the Township with a Conservation Easement. The Association would not agree to the Easement, and the township lobbied the State to instead allow for an access agreement. That request was denied. Ultimately, the State Attorney General rules that trees provided through the No Net Loss grant could not be planted on private property. In February 2016, Township staff attended a meeting with residents of Evergreen Woods and the Ocean County Engineering Office to try and lobby for assistance with the NJTPA. As a result of that meeting, in March 2016 County Engineer John Ernst drafted a letter to NJTPA requesting the NJTPA reevaluate the noise issue. We sent repeated letters throughout 2016 requesting the NJTA provide immediate action on the landscaping and/or any other possible mitigation strategy. The Governing Body engaged a myriad of public officials at the County and State level repeatedly for their support including the Governor and Lt. Governor. The NJTPA remained firm that the criteria for a sound wall had not been met and we have no data to use to refute that. So, in 2019, the Township retained an independent traffic engineer to conduct a noise study. We agreed to offset the cost of a noise study because a realistic and practical approach is to have data to provide without question or interpretation that mitigation is needed. The report was completed in 2020 and provided to the NJTPA and the Ocean County Engineering Office. The noise study documented the existing sound levels at 6 monitoring locations along the southbound side of the Garden State Parkway. Three of the monitors were positioned consistent with the locations utilized in the 2005 Noise Study that was prepared for the Ocean County Interchange 91 Improvement Project and the sound levels recorded were similar to those in the 2005 study. The other three (3) monitors positioned were within the Evergreen Woods Park development to expand the study area. All sound levels found in this study were below the Federal Highway

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Administration and the NJDOT thresholds for noise impact. In terms of asthma, COPD, premature deaths and autism – it would have to be proven that there is a direct correlation between the vehicle emissions as a result of the Garden State Parkway traffic.

Mayor Crate thanked Ms. Bergin for her statement. She gave a hardy thanks to all who worked on the Senior Citizen Prom. She said it was a great turn-out complete with a king and queen and best dance couples. She thanked the PBA for dedicating the beautiful police monument last week that honors fallen active officers. She attended the grand reopening of SOS on Mantoloking Road and said they offer family counseling, a food pantry, they assist immigrants, they help with homes and shelter and collect clothing. She also welcomed Gyro Kingdom last Friday. They are a family owned small business located on Mantoloking Road and they were excessively busy.

Councilman Albanese also reminded everyone about the Annual Green Fair, he said there will be giveaways.

Councilwoman Pontoriero offered her sincere gratitude to the EMS staff. She said she has had a lot of experience with them taking her to the hospital and thanked them for making the worse days more tolerable.

Councilwoman deJong added that Gyro Kingdom has also joined Buy in Brick and is offering a 5% rebate and C28 Bistro also joined offering a 7.5% rebate. She congratulated Harvey Ludington again and the thanked the EMS and noted they will be celebrating their week at their new location. She thanked the in-house construction for their outstanding work renovating this space. She wished all a Happy Older Americans Month!

Councilman Feinman also thanked Ms. Bergin for her research about the wall at Evergreen Woods. As a new council person its refreshing to hear that attempts were made. He also recognized Older Americans Month.

Councilwoman Travers congratulated Harvey Ludington on his amazing accomplishment. She also recognized the EMS staff – as a nurse in the ER, she sees their remarkable work. She congratulated them again.

Council President Minichino congratulated the EMS, Seniors and Harvey Ludington.

Motion by Councilwoman deJong and seconded by Council Vice President Ambrosino to Adjourn the meeting at 8:23 p.m.

All Council Members voted AYE.

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Vince Minichino  
Council President

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Lynnette A. Iannarone  
Township Clerk