

October 8, 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)

Present

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

Also Present

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

Absent

Council President Vince Minichino

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

Motion by Councilwoman Travers and seconded by Councilwoman Pontoriero to dispense with the reading of the minutes from the September 23, 2024 meeting and approve same.

All Council Members voted AYE on the Roll Call.

Councilmen Albanese and Feinman abstained due to their absences.

Motion by Councilwoman Pontoriero and seconded by Councilman Albanese to adopt the following Resolutions:

All Council Members voted AYE on the Roll Call.

Recognize Breast Cancer Awareness Month – October 2024

Councilwoman Travers stated this resolution recognizes October as Breast Cancer Awareness Month. Breast cancer is the most commonly diagnosed cancer among U.S. women attributing to about 30 percent of newly diagnosed cancers. All residents are encouraged to familiarize themselves with the risk factors and symptoms of the disease knowing that when breast cancer is caught early, treatments work best and survival rates increase.

Authorize Acceptance of “Best Practice Inventory”

Councilwoman Pontoriero said this resolution authorizes the acceptance of the Township’s Best Practice Inventory as required annually by the State.

Authorize Award of Contract for Peterbilt Parts, Supplies and Repairs

Councilman Feinman explained this resolution authorizes the award of contract with Peterbilt Parts, Supplies & Repairs with a labor rate of \$195 per hour and a 25 percent discount on parts. Bid notices were provided to 11 prospective bidders and two requested bid packages. One bid was received.

Authorize Award of Contract for Stepp Parts, Supplies and Repairs

Councilwoman deJong advised this resolution authorizes a contract with W.E. Timmerman Company at a labor rate of \$184.00 per hour. Bid notices were mailed to 3 prospective bidders from the bidders list and 2 requested bid packages. One bid was received. This will be a two-year contract ending October 13, 2026. To date, they have spent approximately \$19,000 during the current contract period. Funding for this contract will be included in the Vehicle Maintenance operating budget.

Authorize Award of Contract for Redundant Dispatch Console Infrastructure

Councilman Albanese stated this resolution authorizes the award of contract in the amount of \$85,772.80 with PMC Wireless for redundant off-site dispatch radio console connection for the Police Department. This contract is being awarded through the State of New Jersey Cooperative Purchasing Program.

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Authorize Award of Contract – Brick Township Dredging and Marsh Restoration

Council Vice President Ambrosino advised this resolution authorizes the award of contract in the amount of \$2,456,375.00 with Mobile Dredging and Video Pipe as part of the Brick Township Dredging and Marsh Restoration Program. The project generally consists of year one of a two-year hydraulic dredging operation in Brick Township with placement of materials in Brick Area A, which is the marsh north of Mantoloking Road, for restoration purposes. Bid notices were provided to 51 prospective bidders from the bidders list and 13 requested bid packages. Two bids were received with Mobile Dredging and Video Pipe being the lowest responsive, responsible bidder.

Authorize Shared Services Agreement with Ocean County - Paving of Portions of Blue Cedar Drive and Bay Way

Councilwoman deJong explained this resolution authorizes a shared services agreement with Ocean County to enable the completion of a paving project in the Township known as Bay Harbor Estates Roadway Improvements which includes portions of Blue Cedar Drive and Bay Way. The Township's estimated portion of the project work associated with the improvements is \$51,895.78.

Authorize Shared Services Agreement with Ocean County – Recycling Center Use and Revenue Sharing

Councilwoman Travers stated this resolution authorizes a shared service agreement with Ocean County to utilize its facilities to provide uninterrupted use of the County Recycling Center. Mayor Crate added that she and the DPW supervisor will join the high school STEM students on a visit to the recycling center to learn the process and rules involved and then will use that information to educate residents in an effort to enhance the recycling efforts.

Authorize Shared Services Agreement with Ocean County – Leaf and Vegetative Waste Composting Program

Mayor Crate explained this resolution authorizes the renewal of the Vegetative Waste Composting Program shared services agreement with the County of Ocean. The agreement is for a five-year period commencing January 1, 2025. State law requires municipalities to provide a system for the collection of leaves generated from residential premises, and also requires that each County provide composting facilities for each municipality in that County. As required, the Township monitors the materials collected to ensure it is free from any other waste and that it strictly residential vegetative waste.

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

- Inspection Fund Release – Block 842, Lot 22
- Performance Bond Release – Block 901.22, Lot 11, 11.01 & 12

Tax Collector: Business Administrator Bergin advised of the following:

- 100% DAV/Widow of Veteran Deduction – Block 1313.01, Lot 13.

Council Vice President Ambrosino opened the public hearing on the Resolutions.

Vic Fanelli questioned why there was only two bids received for the Peterbilt Parts and Services and thought \$195.00 per hour was too costly. He also inquired as to what the cost was last year. He asked where the dredging will take place and whether or not the marina is making any money.

Business Administrator Bergin replied that they went through the bidding process and were satisfied with the new rate. She also advised that dredging would be taking place at the marina and restoration at the refuge then some lagoons may get dredged but they would be assessed. The marina does make money but it is still paying debt service.

John Sluka asked about the recycling agreement and if the county is trying to fix things.

Mayor Crate responded that she spoke with the STEM teachers and numbers are down because either people are not recycling or the loads are getting rejected.

There were no further comments from the public.

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Council Vice President Ambrosino closed the public hearing on the Resolutions.

Council Vice President Ambrosino opened the public hearing on the Computer Bill Resolution.

There were no comments from the public.

Council Vice President Ambrosino 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.

2024 Computer Bill Resolution in the amount of \$1,712,560.53

Council Vice President Ambrosino opened the public hearing on the Manual Bill Resolution.

There were no comments from the public.

Council Vice President Ambrosino closed the public hearing on the Manual Bill Resolution

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

All Council Members voted AYE on the Roll Call.

2024 Manual Bill Resolution in the amount of \$2,015,952.68

Ordinance on First Reading

Amending Chapter 329 Entitled “Registration of Foreclosure Mortgages and Vacant Property”

Clerk Iannarone read the Title of the Ordinance in the record.

Councilwoman deJong advised in 2018 the Township began a process for the registration of vacant and abandoned properties in the Township. In August 2021, the Township amended the foreclosed and vacant property ordinance to better define what qualifies as a vacant or abandoned property. This amendment clarifies the annual registration fee of \$500.00.

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

All Council Members voted AYE on the Roll Call.

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING TOWNSHIP CODE CHAPTER 329,
ENTITLED “REGISTRATION OF FORECLOSURE MORTGAGES AND VACANT
PROPERTY”**

Ordinances on Second Reading

Bond Ordinance – Acquisition of Property for Open Space Preservation

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

Mayor Crate explained that the Mayor’s Open Space Savers Committee has recommended the acquisition of currently vacant land located at 2416 Hooper Avenue in the amount of \$930,000.00 for open space and conservation purposes. The Township had advised the NJDEP Green Acres Program of the acquisition and expects to receive funding to help offset the acquisition costs.

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Motion by Councilwoman Pontoriero and seconded by Councilwoman deJong 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 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 \$930,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$883,500 IN 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 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 \$930,000, said amount being inclusive of a down payment in the amount of \$46,500 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 \$930,000 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 \$883,500 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 \$883,500 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, real property consisting of vacant land located at 2416 Hooper Avenue and designated as Block 548, Lot 5, on the Official Tax Map of the Township (the "Property").

(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 \$883,500.

(d) The aggregate estimated cost of said improvements and purposes is \$930,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$46,500, 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

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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 \$883,500. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) No amount is estimated for items of expense listed in and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law.

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

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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 Property and to negotiate an agreement of purchase and sale for the purchase of the Property. 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 Property.

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.

Council Vice President Ambrosino opened the public hearing on the Ordinance.

There were no comments from the public.

Council Vice President Ambrosino closed the public hearing on the Ordinance.

**Ordinance on Second Reading
Amending Chapter 324 Entitled “Peddling and Soliciting”**

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

Council Vice President Ambrosino explained the Township offers two types of mobile food licenses: Class 1 and Class 2. This ordinance modifies the amount of time that a Class 2 license can stay at any one location for up to six hours from the current regulation which is two hours. This ordinance comes as a recommendation from the Council’s Business & Finance Committee.

Motion by Councilwoman deJong 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.

**AN ORDINANCE OF THE TOWNSHIP OF BRICK,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP
OF BRICK IN CHAPTER 324 ENTITLED “PEDDLING
AND SOLICITING”**

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Council Vice President Ambrosino opened the public hearing on the Ordinance.

There were no comments from the public.

Council Vice President Ambrosino closed the public hearing on the Ordinance.

Council Vice President Ambrosino opened the public hearing portion of the meeting.

John Sluka noted of the meeting with the NJTA but said he could not attend and did not hear of the outcome. He proceeded to read his letter dated October 7th regarding the problems created with the expansion of Exit 91. He said at the time residents did speak up about their concerns such as the harmful toxins that are now impacting children and seniors.

Maryann Gulotta, the Chair of the Brick Open Space Savers Committee (BOSS), on behalf of BOSS thanked the Mayor and Council for their stellar performance with the Pick-Up Brick held at the Breton Woods property and their continuing efforts to obtain property for open space.

Spencer (did not give a last name) of Greenwood Lane advised he was given a violation for parking on his lawn. He said his street is narrow and used as a cut through off Mantoloking Road and he does that to protect it. He said its ok for a car to park with two tires but not all four on the grass.

Business Administrator Bergin said it is a code violation but as an alternative he could make a permanent driveway. She noted that it usually comes from a complaint.

Spencer said the violation only allows a week to rectify and said it's a safety concern. He also said there are many cars that do not move with flat tires. He asked if the street could not be used as a cut-through.

Business Administrator Bergin advised him to call Code Enforcement regarding the other vehicles and if he decides to create a driveway he needs to notify Code Enforcement to get an extension on the date. She advised that it is a public street and they cannot stop cars from using it. We could do selective enforcement for speeding.

Vic Fanelli asked if the "Strengthening our Community" program being held at the high school tomorrow night will be recorded because he cannot make the meeting and he would like to see it.

Mayor Crate said it would be up to the school. She said it was discussed but was uncertain about the final decision and suggested he contact the district.

Vic Fanelli spoke about his final tax bill that he received and noted that every item went up between 2 and 17 percent. He noted his increase is \$1.92 per day!

Charlie Bacon said he did not attend the September 10th meeting but saw that a couple of residents spoke about the red-light cameras, the number of people going through red lights and the increase in accidents. He knew it was a pilot program but it was also a platform issue for Mayor Ducey. Mr. Bacon noted a few of the problem intersections and areas and asked if a study could be done at these locations and to also check the timing of the yellow lights. He thought a PSA would help.

There were no further comments from the public.

Council Vice President Ambrosino closed the public hearing portion of the meeting.

Mayor Crate spoke of upcoming events.

Councilwoman Pontoriero extended her appreciation to Maryann Gulotta and the BOSS Committee members on the newly anticipated acquisition and how it, in addition to creating more open space, will also protect the wildlife living there.

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Councilwoman deJong advised of upcoming senior events.

Councilman Feinman advised he too attended the meeting with the NJ Turnpike Authority at Evergreen Woods and was sorry Mr. Sluka could not make it. His take was that there will be no building of a wall but more trees will be planted so their letters did not fall on deaf ears. He said he attended the Longest Table and its one of his favorite events. He was happy to meet the town historian and members of the Women's Club who do a lot for the community such as offer scholarships, hold food donation drives, make and donate handmade blankets and also participate in Wreaths Across America every December.

Motion by Councilwoman Pontoriero and seconded by Councilwoman deJong to Adjourn the meeting at 7:51p.m.

All Council Members voted AYE.

Derrick T. Ambrosino
Council Vice President

Lynnette A. Iannarone
Township Clerk