

September 10, 2024

A meeting of the Township Council was held in the Municipal Building at 7:00 p.m. and was called to order at 7:01 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 Council Vice President Ambrosino and seconded by Councilman Feinman to dispense with the reading of the minutes from the August 27, 2024 meeting and approve same.

All Council Members voted AYE on the Roll Call.  
Councilwoman Travers abstained due to her absence.

#### **POLICE SWEARING IN**

Chief Forrester welcomed new officer Badge #350 Jessica Campana to the force and gave a brief bio about her. Mayor Crate performed the swearing-in to the new officer with her parents at her side.

#### **PRESENTATIONS**

Mayor Crate invited resident Marguerite Weiss, a Dystonia sufferer, to the podium to present her with a proclamation recognizing September as Dystonia Awareness Month. Mrs. Weiss thanked the Mayor and Council and explained the affects of the disease, treatments and how she deals with living with Dystonia.

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

All Council Members voted AYE on the Roll Call.  
Councilwoman Travers abstained on the Award of Professional Medical Services.

#### **Authorize to Amend 2024 Capital Budget**

Councilwoman deJong advised this resolution authorizes an amendment to the 2024 capital budget to finalize the insertion of capital projects the Township intends to complete this year. 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.

#### **Authorize Bid for 2024-2025 Temporary Sand Fencing**

Councilwoman Travers stated this resolution authorizes the bid for temporary sand fencing. The project consists of the installation of sand fencing a minimum of 15 feet from the base of the existing dune and construction of overlapping fence openings for access points. This project will help protect the dunes and the beaches during the upcoming winter storm season.

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**Authorize Award of Contract – Purchase & Delivery of One High-Water Vehicle through HGACBuy National Cooperative**

Councilman Albanese said this resolution authorizes the award of contract in the amount of \$362,263.00 for the purchase and delivery of a high-water vehicle. The contract with Lenco Industries is being made through the Houston-Galveston Area purchasing cooperative.

**Authorize Award of Contract – Ambulance Remount through Savvik Buying Group National Cooperative**

Council Vice President Ambrosino explained this resolution authorizes an award of contract in the amount of \$199,590.00 for ambulance remounting. The contract with SIV Ambulances is being made through a national cooperative purchasing agreement.

**Authorize Award of Contract – Heating, Ventilating and Air Conditioning Services**

Councilman Feinman advised this resolution authorizes an award of contract in the amount of \$75,000.00 per year for heating, ventilating, and air conditioning maintenance and repair services with Mid-Atlantic Service. Bid notices were provided to 68 bidders from the bidders list and 17 picked up bid packages. Two bids were received, with Mid-Atlantic being the lowest responsive, responsible bidder.

**Authorize Award of Contract – Brick Township Dredging and Marsh Restoration**

This item was removed from the agenda.

**Authorize Award of Contract – Professional Medical Services**

Council President Minichino advised this resolution authorizes an award of contract in a not-to-exceed amount of \$150,000.00 for professional medical services to provide pre-employment physicals, fit for duty examinations and drug & alcohol testing for new and existing employees. The contract is awarded to the following vendors; Defeldecker Associates; Hackensack Meridian Team Health; Immediate Care Medical Walk-In of Brick; and The Institute for Forensic Psychology. Bid notices were provided to 28 prospective bidders from the bidders list and 14 picked up bid packages. Eight proposals were received.

**Authorize Close-Out Change Order #1 – Roadway Improvements to Seaview Village**

Councilwoman Pontoriero said this resolution authorizes a close-out change order with the contract with Earle Asphalt for the Roadway Improvements to Seaview Village. The change order represents a contract decrease in the amount of \$643.86.

**Authorize Special Events Permit – Operation: Ruck IT**

Council Vice President Ambrosino advised this resolution authorizes a special event permit for Ma Deuce Deuce to conduct an Operation Ruck It Event from 7 am to 5 pm on September 21, 2024. The event starts and finishes at VFW Post 8867.

**Authorize Special Events Permit – St. Raphael's Annual Mumkin Sale**

Councilman Albanese stated this resolution authorizes a Mumkin Sale Event from 10 am to 2 pm on October 5, 2024 at St. Raphael's Church located on Route 88.

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

- Performance Bond Release – Block 646, Lot 7.01

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

- Tax Overpayments 2022 & 2023 – Block 1170, Lot 19.01

Council President Minichino opened the public hearing on the Resolutions.

There were no comments from the public.

Council President Minichino closed the public hearing on the Resolutions.

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

All Council Members voted AYE on the Roll Call.

**2024 Computer Bill Resolution in the amount of \$1,888,720.93**

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 Councilwoman Pontoriero 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 \$2,052,901.00**

**Ordinance on First 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.

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

All Council Members voted AYE on 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.

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**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 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

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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 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

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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 President Minichino opened the public hearing portion of the meeting.

John Sluka read his letter regarding the destruction cause by the parkway expansion 12 years ago. He noted Mayor Crate has scheduled a meeting with the NJTA and said that many people have been harmed by the toxins and walls and increased foliage is needed in many areas in town. Hopefully something will be done.

Mayor Crate noted she was not meeting with the NJTA alone and that Mr. Sluka along with Mr. Brill and Ms. Spector were invited to attend the meeting. She said she hoped to see him there.

Dennis Veltre with Linda Akerberg said there is a serious epidemic with people running red lights and asked if anything was being done regarding the matter. They asked for the reinstatement of the red-light cameras. They are very concerned and afraid someone will get killed.

Business Administrator Bergin advised she would pass along their concerns to the police department for selective enforcement.

Attorney Starkey advised that there were red light cameras about ten years ago and Mayor Ducey discontinued them. It was a pilot program authorized by the State but since then, the program ended so without State approval, that is not an option.

Mayor Crate suggested they attend a Neighborhood Watch meeting and bring this to their attention.

Bob Mattilione agreed with the increased running of red-lights throughout town. He asked if the town knows the ratio of homeowners and rentals and whether or not there could be a restriction on the number of rentals.

Attorney Starkey advised neither the Township or State can regulate the number of rentals within a community.

There were no further comments from the public.

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

Business Administrator Bergin congratulated the newest police officer Jessica.

Mayor Crate wished Construction Official Dan Newman a Happy Retirement after thirty years. She said she attended the town-wide yard sales on Sunday and reminded everyone of the 9-11 Service.

Councilman Albanese congratulated the new police officer and thanked Ms. Weiss for attending and bringing attention to Dystonia.

Councilwoman Pontoriero congratulated the new female police officer and said it was good opportunity for other young girls to witness. She thanked Ms. Weiss for coming out to explain Dystonia. She said it takes a lot of courage to speak up and maybe it would help someone else. She also thanked everyone for the birthday wishes and thanked God for letting her turn 52 after being diagnosed with Stage 4 Cancer.

Councilwoman deJong welcomed back Councilwoman Travers.

Councilman Feinman said to reach out to the Police for up-to-date information on the Neighborhood Watch meetings.

Councilwoman Travers congratulated the newest police officer, thanked Ms. Weiss.

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Council Vice President Ambrosino also congratulated Officer Campana.

Council President Minichino echoed all the sentiments.

Motion by Councilwoman Pontoriero and seconded by Councilman Feinman to Adjourn the meeting at 7:49 p.m.

All Council Members voted AYE.

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Vince Minichino  
Council President

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Lynnette A. Iannarone  
Township Clerk