

A combined Caucus/Public meeting of the Township Council was held in the Municipal Building at 7:00 p.m. and was called to order at 7:00 p.m.

Present

Councilwoman Andrea Zapcic  
Councilman Arthur Halloran  
Councilwoman Heather deJong  
Councilwoman Lisa Crate  
Councilman Jim Fozman  
Vice President Marianna Pontoriero  
President Paul Mummolo

Also Present

Mayor John G. Ducey  
Kevin Starkey, Township Attorney  
Lynnette A. Iannarone, Township Clerk  
Joanne Bergin, Business Administrator

Township Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press on December 18, 2015. 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)).

President Mummolo gave a brief biography in memory of Kristopher DeMarco, a police officer that recently passed away.

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

Motion by Vice President Pontoriero and seconded by Councilwoman deJong to dispense with the reading of the minutes of November 16, 2015 meeting and approve the same.

All Council Members voted AYE on Roll Call, except:  
Councilman Halloran ABSTAINED; and  
Councilwoman Crate ABSTAINED.

Motion by Vice President Pontoriero and seconded by Councilman Fozman to approve the following Resolutions:

All Council Members voted AYE on Roll Call.

**Authorize Receipt of Bids – Landscape Maintenance at Brick Landfill**

President Mummolo stated this resolution authorizes the receipt of bids for landscape maintenance at the Brick Landfill. He said the Township is required by the EPA to maintain the 15-acre Landfill property. He explained the bid specification will include twice a year maintenance, removal of debris and vegetation, stone weeding and seed installation.

**Authorize Receipt of Bids – Seasonal Turf Chemical Program**

President Mummolo stated this resolution authorizes the receipt of bids for the seasonal turf chemical program. He said the Township contracts out for the Seasonal Turf Chemical Program to provide all material and perform four (4) fertilizer/weed control applications per year to each location.

**Authorize Receipt of Bids – Manufacture & Printing of Tax Bills**

President Mummolo stated this resolution authorizes the receipt of bids for the manufacturing and printing of the 2016 final and 2017 preliminary tax bills.

**Authorize Receipt of Bids – Purchase & Delivery of Multi-Camera Digital Video Recording System**

President Mummolo stated this resolution authorizes receipt of bid for the purchase and delivery of multi-camera digital video recording system including video server, video on demand and bulletin board technology. He said the current Toastmaster System records council meetings and is nearing the end of its useful life. He explained the purchase of a new system will continue to record meetings, broadcast the Township public educational governmental channel, archive meetings and enhance the bulletin board system. He stated the purchase of the system will be encumbered through the Comcast grant. He said this equipment will not only provide a much-needed upgrade, it will give the township the ability to terminate the Granicus and Telvue contracts which total more than \$20,000.00 annually.

**Authorize Award of Bid and Re-Bid – Summerfest Food Vendors**

President Mummolo stated this resolution authorizes the award of bid and re-bid for

Summerfest food vendors. He said the bid for category 2 – hot food, including sausage and cheese steak, is awarded to Tony's Italian Sausage, Hazlet, at a bid amount of \$952.00. He said the bid for Category 3, grilled/fried item; category 5 ice cream, category 6, Italian ice and category 7 funnel cakes is awarded to John & Debbie O's, Toms River at the following amounts: category 3, \$1,302.00; category 5, \$901.00; category 6, \$802.00; and category 7, \$902.00. The two remaining categories, pizza and deli, will be re-advertised.

#### **Authorize Award of Bid – Janitorial Supplies**

President Mummolo stated this resolution authorizes the award of bid for janitorial supplies to the following contractors: Central Poly Corp, Linden; General Linen, Point Pleasant; Interboro Packaging Corporation, Montgomery, NY; and United Sales USA, Brooklyn, NY.

#### **Authorize Re-Bid – ATM Vendor**

President Mummolo stated this resolution authorizes the re-bid for an ATM vendor for the Summerfest, Bricktoberfest and car show. He said last year they received a \$100 bid for an ATM machine to be available at these events.

#### **Authorize Re-Bid – Beer & Wine Concession**

President Mummolo stated this resolution authorizes the re-bid of a beer and wine concession vendor for Summerfest, Bricktoberfest and car show. He said last year, they received \$5,600.00 for the beer and wine garden at these events.

#### **Authorize Re-Bid – Bricktoberfest Amusement Concession**

President Mummolo stated this resolution authorizes the re-bid of amusement concessions for Bricktoberfest.

#### **Authorize Rejection of Proposals – Grantsman**

Mayor Ducey stated this resolution authorizes the rejection of proposals for grantsman. He explained they are rejecting all bids in this category and will continue to pursue and administer grant programs in-house through the Planning Department staff. He said they feel this is the most beneficial way to be strategic in how they pursue and administer grants, while saving taxpayer money.

#### **Authorize Change Order No. 1 – Final – Brick Beach I Parking Lot Improvements**

President Mummolo stated this resolution authorizes a final change order and that the contract issued to Johnson Baran Corp be decreased by \$226,863.70 and the contract be commensurately decreased from \$231,333.70 to \$4,470.00. He said the project for improvements to Brick Beach I parking lot was awarded to Johnson Baran in October 2013, but construction never began due to the project site being used by the NJDEP Bureau of Coastal Engineering for staging of their steel sheet pile revetment project. He reported Johnson Baran has indicated they would not be able to honor the bid prices from 2013 and the project should be rebid. He said the payment in this estimate is to cover the performance and payment bond obtained by Johnson Baran.

#### **Authorize Re-Bid – Brick Beach I Parking Lot Improvements**

President Mummolo stated this resolution authorizes the re-bid of Brick Beach I parking lot improvements as he just discussed.

#### **Authorize Change Order No. 1 – Final – Stormwater Basin Improvements at Landfill**

President Mummolo stated this resolution authorizes a final change order for the improvements needed at the stormwater basin located at the Brick Landfill. He said in this final closeout change order, the contract with Earle Asphalt will be decreased by \$10,920.00 and the contract commensurately decreased from \$241,213.13 to \$230,293.13.

#### **Authorize Settlement of Tri-Murti Associates Condemnation Action**

President Mummolo stated this resolution authorizes a settlement with Tri-Murti Associates regarding the taking of a temporary construction easement and a permanent easement of property for the purpose of completing renovations to the Lower Lake Riviera Dam.

**Bond Releases/Reductions:**

Clerk Iannarone advised this resolution authorizes the following inspection fund/performance bond releases:

- Performance Bond Release – River Rock Sports Bar & Grille – Route 70 in the amount of \$23,512.99.
- Inspection Fund Release – James Kathenes/Drum Point Marina – Drum Point Rd. in the amount of \$1,754.21.
- Inspection Fund Release – James Kathenes/Drum Point Marina – Drum Point Rd. in the amount of \$986.22
- Inspection Fund Release – J. Linn/Drum Point Marina - Drum Point Rd. in the amount of \$747.18.
- Inspection Fund Release – George Westlund – off Cherry Quay Rd. in the amount of \$48.19.

**Tax Collector:**

Joanne Bergin advised this resolution grants the following deductions and overpayments:

- 100% DAV Refund & Cancel Taxes: Block 170 Lot 23 – 400 Adamston Road in the amount of \$482.32.
- 100% DAV Refund & Cancel Taxes: Block 170 Lot 23 – 503 Mantoloking Road in the amount of \$692.18.
- Senior Citizens Deductions Granted – 2015: Block 870.05/Lot75, 11 Beaver Hollow Drive, in the amount of \$250.00 and Block 903.21/Lot 11, 501 Midstreams Road, in the amount of \$250.00.
- Disability Deductions Granted – 2015: Block 1399.24/Lot 91, 512 Nebraska Avenue, in the amount of \$250.00.

President Mummolo opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, asked for detail on the multi camera digital video recording system.

President Mummolo responded the digital equipment they are using is antiquated. He said they are using a grant from Comcast the town signed awhile back so it is not costing taxpayers any money, but it is an updated improvement.

Mayor Ducey stated right now they have contracts with Granicus and Telvue and they cost about \$20,000.00 per year because they need to have their support system in order to upload it onto the internet. He said with the new system they will be able to upload it themselves saving \$20,000 a year.

George Scott, 16 Queen Ann Road, commented on Rejection of Proposals – Grantsman. He stated this seemed to be wasted money since they have someone in house who is capable.

Mayor Ducey commented Joanne Bergin is very experienced and knowledgeable in writing grants as well.

George Scott questioned the bill on the Stormwater Basin Improvements at the Landfill. He commented if the work was not done right the bonding should have paid for it, rather than taxpayers.

Mayor Ducey responded they had to bring in another engineer to finish the job because it ends up what was wrong with it is that it was engineered improperly so it was the design that was wrong. He said they can go out to the engineering company but the unfortunate thing in this circumstance is the engineering company Birdsall has gone through bankruptcy and there are no assets left. He said he would normally have the attorney go after the company to get the money back.

George Scott commented the insurance company did not go bankrupt that bonded Birdsall and questioned why they cannot go after them.

Kevin Starkey reported performance bonds are to make sure the construction is done properly. He said the problem here was not the construction but the design. He stated Birdsall went into

bankruptcy unfortunately it is a very unusual circumstance where an engineering firm is liquidated and gone. He said there were assets sold but you cannot go after engineering firms that acquire the assets; this is liability. He stated there is a remote chance there is still a professional liability insurance policy of Birdsall left out there. He is looking into a malpractice insurance policy in effect that is still there although he believes that was also liquidated or discharged in the bankruptcy. He will have more information available at the next meeting.

President Mummolo closed the public hearing on the Resolutions.

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

Vic Fanelli, 24 Meadow Point Drive, said that according to the information he has they pay the school district \$7.8M every month and in December they only were paid \$5M; he asked why they were not paid all the money. He said \$2.6M was supposed to be paid on January 4, 2016 and he does not see it being paid.

Joanne Bergin responded she will check with the CFO and get back to him.

George Scott, 16 Queen Ann Road, asked what \$8,638.00 in postage is for.

Joanne Bergin commented she will check and get back to him.

George Scott questioned what an OAL complaint is.

Joanne Bergin responded Office of Administrative Law and they are a civil service town so when they have disciplinary actions that are grieved or require a hearing they have to be heard before an OAL judge in Trenton. She said this is for the attorney to appear before the judge on the Township's behalf.

George Scott questioned Affordable Housing legal bills.

Mayor Ducey responded fair housing says there should be 3,000 new units of affordable housing in Brick, so this is the legal bills for fighting this. He commented they are not calculating it right.

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

Motion by Councilman Fozman and seconded by Vice President Pontoriero to adopt the following Resolution:

All Council Members voted AYE on Roll Call, except:  
Councilwoman Zapcic ABSTAINED on New Jersey Press Media; and  
Councilman Fozman ABSTAINED on BTMUA.

**2015 Computer Bill Resolution in the amount of \$11,190,654.20**

President Mummolo opened the public hearing on the Manual Bill Resolution

There were no comments from the audience.

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

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

All Council Members voted AYE on Roll Call.

**2015 Manual Bill Resolution in the amount of \$5,384,274.09**

**Ordinance on First Reading: Amend Chapter 245 – Land Use – Temporary Sleeping Quarters**

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

President Mummolo stated this ordinance will extend permission for places of assemblies to

provide temporary encampment accessory use so that volunteers coming in from out of state to assist with rebuilding efforts can be housed in local churches.

Motion by Vice President Pontoriero 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 Roll Call.

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING SECTION 245-296M.(1)(d) OF THE CODE OF THE TOWNSHIP OF BRICK**

John Sluka, 950 Sylvia Court, read his letter regarding the parkway construction project.

Nan Coll, 18 Greenbriar Boulevard, stated her concerns with abuse of homeowner property associations. She will give the business administrator information that she has compiled showing her concerns.

Sheila & Alan Soyster, 53 Serpentine Road, expressed their concerns with a piece of property directly across from their home. Alan Soyster gave a history of the property. They urged council to look at the property, buy it back and designate it as open space.

President Mummolo said they are well aware of the property and have looked into it. He stated that piece of property is deed restricted so nothing can be built there.

Mayor Ducey added no permits have been issued because it is deed restricted and cannot be built on. He said someone complained there was a dead tree on the property and code enforcement investigated and issued a violation notice.

George Scott, 16 Queen Ann Road, commented on the Trader's Cove water meter issue. He expressed concerns that a neighbor had with the MUA.

President Mummolo responded Councilman Fozman will look into that.

Sam Foster, 108 Teakwood Drive, asked if the township is capable of passing a resolution or some type of petition for Governor Christie pertaining to gun control.

Kevin Starkey responded it is not within township authority to regulate gun control. He said it is a state and federal issue. He commented as a citizen Sam Foster would have the right to speak his mind on it or start a petition.

Sam Foster expressed his concerns with the coin carts at WalMart.

Mayor Ducey responded years ago the Board of Adjustment or Planning Board required them to have the coin carts because the thought process is that it would keep the carts from being stolen, keep them from rolling out on the highways. He said as a part of that each store has a certain amount of slugs that someone can get if they do not have a coin.

Steve Brill, Jenny Court, gave a brief history of the Parkway Construction Project to the new council members and expressed his concerns with the project.

Michele Spector, Jenny Court, stated her concerns with the Parkway Construction Project. She asked for the council's support.

Vic Fanelli, 28 Meadow Point Drive, asked when the Angela Hibberd Park will be done.

Councilwoman Zapcic responded the contract is ahead of schedule but the landscaping will be held up because of the weather; it should be completed by March or April.

Vic Fanelli asked Councilwoman Crate if she will be at all of the school board meetings.

Councilwoman Crate responded she would attend all meetings.

Vic Fanelli asked what happens with the money dedicated to the snow trust if it is not needed.

Mayor Ducey responded it stays in the account forever; it can only be used for snow and storm cleanup. He said they took \$1.8M and put it in two trust funds.

Joanne Bergin responded if they have an event the trust fund will be utilized to pay for vendors. She said the trust fund funds that cost so they do not have emergency borrowing to cover what it costs to manage an event.

Mayor Ducey commented if it is a smaller storm they are not taking it from the operating budget but they are getting it from the trust fund first.

Joanne Bergin welcomed Councilwoman Crate and Councilman Halloran.

Mayor Ducey expressed his condolences to Officer DeMarco's family and also his police family. He spoke of Officer DeMarco's accomplishments. He thanked other towns for their assistance during the funeral. He said he attended the Laurelton Fire Company Installation Dinner and congratulated all new board members. He apologized for being unable to attend the Pioneer Hose Installation but wished them the best. He will attend the DARE Graduations this week and congratulated all 5<sup>th</sup> graders for completing the class. He mentioned the JCP&L STEM (Science, Technology, Engineering and Mathematics) Grant recipient – Vets Middle School – Mrs. Dunne's Class and elaborated on their work. He said Detective Waldhelm attended with him and gave the class some advice on how to solve the crime. He thanked JCP&L for funding the different ideas and announced Vet's Middle School, Lake Riviera Middle School and Herbertsville Elementary all received grants this year. He mentioned #BrickProud Campaign. He welcomed Councilman Halloran and Councilwoman Crate for volunteering their time. He spoke about the Nixle notification program which disseminates vital information to your mobile phone – text your zipcode to 888777 – a confirmation will be received and you can customize your settings by going to [www.nixle.com](http://www.nixle.com) – you can also register from the Brick website. He spoke of tax increases in Monmouth County, then Ocean County and commented Brick Township taxes are going up only 0.9%.

Councilwoman Zapcic expressed her condolences to the family of Officer Kristopher DeMarco. She mentioned the Recreation Department lost a long-time seasonal employee, Mike Betar and expressed condolences to his family.

Councilman Halloran offered condolence to both the DeMarco and Betar families. He said that he is proud to be in this position and part of the team. He thanked all for their support.

Councilwoman deJong expressed condolences to the DeMarco and Betar families. She congratulated the DARE Graduates and thanked Officers John and Tara. She is attending the Pioneer Hose installation and thanked them for their service.

Councilwoman Crate thanked everyone for their support and communication throughout the week. She said she is a woman of few words but she listens to everything and pays very close attention to what is going on.

Councilman Fozman is happy they are going out for new camera equipment. He read his comments from the re-org meeting that did not get on BTV due to the equipment issues. He welcomed Councilman Halloran and Councilwoman Crate. He stated he is proud to have the opportunity to helping the residents of Brick. He thanked Chief Riccio for continuing the Neighborhood Watch Program.

Vice President Pontoriero expressed condolences to the DeMarco and Betar families. She mentioned the Rabies Clinic on January 24 from 10:00 am until noon; animals must be kept on a short leash and accompanied by an adult. She noted no licenses will be issued at the clinic. She welcomed Councilwoman Crate and Councilman Halloran.

President Mummolo said he had the privilege to fill in for the Mayor at the DARE Program Graduation at Emma Havens. He welcomed Councilwoman Crate and Councilman Halloran. He will be attending the Pioneer Hose Installation.

Motion by Council Vice President Pontoriero and seconded by Councilwoman Zapcic to Adjourn the meeting at 8:35 p.m.

All Council Members voted AYE.

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Paul Mummolo  
Council President

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Lynnette A. Iannarone  
Township Clerk