

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  
Council Vice President Marianna Pontoriero  
Council 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 January 8, 2016. 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)).

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

The Clerk was directed to accept and file the Building & Construction, Certificate of Occupancy, Sewer & Water, Engineering and Vital Statistics Reports for the month of December 2015.

Motion by Vice President Pontoriero and seconded by Councilman Fozman to dispense with the reading of the minutes of December 1<sup>st</sup>, December 15<sup>th</sup> and December 31, 2015 meetings and approve the same.

All Council Members voted AYE on Roll Call, except:  
Councilman Halloran ABSTAINED and  
Councilwoman Crate ABSTAINED because they were absent.

Mayor Ducey, President Mummolo and Councilwoman Zapcic recognized Emma Mammano, BMAC Coordinator for National Drug and Alcohol Facts Week. Mayor Ducey stated this is sponsored by the National Institute on Drug Abuse and the National Institute of Alcohol Abuse and Alcoholism. He said it encourages teens to ask questions about drugs, drug abuse, alcohol and alcoholism and receive scientifically based facts and answers in return. He thanked Councilwoman Zapcic and Emma Mammano for their efforts. He proclaimed the week of January 25 through January 31, 2016 as National Drug and Alcohol Facts Week.

President Mummolo, on behalf of council, also thanked Councilwoman Zapcic and Emma Mammano for their efforts and presented them with a resolution.

President Mummolo and Councilwoman Crate recognized the Students of the Month. Councilwoman Crate stated they like to take the opportunity each month to honor students from both Brick Memorial High School and Brick High School who have achieved academic success throughout the year. She congratulated the students they are honoring this evening and recognized their achievements.

President Mummolo named the students from Brick Memorial High School and presented them with certificates: James Hillenbrand, Victoria Bec, David Yanovsky, Samantha Plackis, Ryan Lynd, Victoria Bury, Emma Bailey and Luke Viscovi. He congratulated all and presented those in attendance with certificates. He also announced the students from Brick High School and presented them with certificates: Dylan DeAlmeida, Sahudy Peters, Kelly Ashton and Patrick Mulligan.

Mayor Ducey introduced Karen Cusanelli from the Board of Education and gave her the certificates to present to those not in attendance.

Motion by Vice President Pontoriero and seconded by Councilwoman Zapcic to approve the following Resolutions:

All Council Members voted AYE on Roll Call.

**Recognize National Drug and Alcohol Facts Week – January 25 -31<sup>st</sup>**

**Authorize Application – Governor’s Council on Alcoholism and Drug Abuse Grant**

Councilwoman Zapcic explained this resolution authorizes the submission of a strategic plan for the Brick Municipal Alliance grant for fiscal year 2017 in the amount of \$39,523.00, which includes a cash match and in-kind contribution. She spoke about BMAC and gave a brief overview of what they do and the programs they offer.

**Authorize Application – Ocean County Tourism Grant**

Councilwoman deJong stated this resolution authorizes an application to the Ocean County Board of Chosen Freeholders for the Tourism Promotional Matching Grant in the amount of \$1,500.00 which will be used for the 2016-2017 Recreation Brochure.

**Authorize Application – Safe & Secure Communities Grant – 2016**

Vice President Pontoriero stated this resolution authorizes the application to the New Jersey Safe and Secure Communities Grant Program in the amount of \$60,000.00 to offset police salaries as part of this program aimed at addressing crime in a focused, community-oriented manner.

**Authorize Award of Contract – Entertainment & Production Services – Summerfest Program**

President Mummolo stated this resolution authorizes the award of contract to La Guardia Associates, Cedar Grove, to provide entertainment and production services for the Summerfest concert series in the amount of \$30,890.00.

**Authorize Award of Contract through NJPA National Cooperative – One (1) 2016 Ford Super Duty F-550 4WD Truck with Dump Body**

Councilman Fozman stated this resolution authorizes the award of contract through the NJPA National Cooperative to National Auto Fleet Group, Watsonville, CA, in the amount of \$111,212.00 for the purchase of a 2016 Ford Super Duty F-550 Truck with dump body and accessories. He explained the truck is for DPW and as part of the continuing efforts to have multi-purpose and more efficient equipment. He said the truck includes a spreader, pre-wet system, snow plow and storage stand system for the spreader and this is being paid for out of the 2015 capital budget.

**Authorize Award of Proposal – Veterinary Services**

President Mummolo stated this resolution authorizes the award of contract for veterinary services on as-needed basis to Cedars Veterinary Hospital, Brick, and Jersey Shore Emergency Veterinary, Lakewood.

**Amend Resolution #581-15 – Conveyance of Properties to Enable Homes, LLC**

President Mummolo stated in December the council passed a resolution authorizing the conveyance of properties to Enable Inc. He said a name change has taken place and an amended resolution is needed to reflect the new name which is Enable Homes LLC.

**Authorize Waiving of Late Fees for Animal Licensing**

President Mummolo stated this resolution authorizes waiving late fees for animal licensing which is being done to accommodate pet owners who were planning to attend the annual rabies clinic which was postponed from January 24 to January 31 due to inclement weather.

**Authorize Person-to-Person Place-to-Place Liquor License Transfer – Riverwatch**

President Mummolo stated this resolution authorizes a person-to-person place-to-place liquor license transfer from American Restaurant Management LLC, otherwise known as Riverwatch, to KB & RD, LLC t/a Beacon 70 in an inactive status.

**Authorize Appointment of Alternate II Member to the Board of Adjustment**

President Mummolo stated this resolution authorizes the appointment of Carl Anderson as Alternate II member of the Board of Adjustment.

**Authorize Renewal of Towing License – Legacy Towing**

President Mummolo stated this resolution authorizes the renewal of a towing license to Legacy Towing, Route 88.

**Denying the Release of Performance Guarantees for Suskind & Almallah Eye Associates - Cedar Bridge Ave.**

President Mummolo stated this resolution denies the release and performance guarantees for the project known as Susskind & Amallah Eye Associates located at 909 Cedar Bridge Avenue. He explained certain improvements were properly installed without defects and properly maintained; however, the township engineer has inspected the site and determined there are remaining improvements that must be installed before the township will release the performance guarantees.

**Bond Releases/Reductions:**

Clerk Iannarone said that this resolution authorizes an inspection fund release to Manzo Organization of Brick, LLC – Mantoloking Road in the amount of \$2,652.36.

**Tax Collector:**

Joanne Bergin announced the following tax deductions and appeals:

- Veteran Deduction Granted – 2015 Block 646.16 Lot 7 in the amount of \$250.00.
- Senior Citizen Deduction Granted – 2015 Block 701.26 Lot 6 in the amount of \$250.00.
- Tax Overpayments – 2015 Block 1227 Lot 451, 527 2<sup>nd</sup> Avenue in the amount of \$4,378.80; Block 271, Lot 38 138 Vanard Drive in the amount of \$846.60.
- County Board Judgment Appeal Granted – Block 254.14 Lot 9 – 724 Drum Point Road in the amount of \$261.25.
- County Board Judgment Appeal Granted – Block 252.17 Lot 17 – 50 Perry Drive in the amount of \$4.56.
- County Board Judgment Appeal Granted – Block 324.07 Lot 4 – 133 Captains Drive in the amount of \$2.99.
- County Board Judgement Appeals Granted – 2014 Block 690. Lot 10, 73 Beaton Road, in the amount of \$93.63; Block 94 Lot 131, 8 Lagoon Drive East in the amount of \$150.44; Block 210.29 Lot 13, 26 Obispo Drive in the amount of \$4.56; Block 210.30 Lot 41 28 Catalina Drive in the amount of \$59.54; Block 211.11 Lot 35, 70 West Granada Drive in the amount of \$362.22.
- County Board Judgment Appeal Granted – Block 210.30 Lot 41 – 28 Catalina Drive in the amount of \$599.43.
- State Tax Appeal Granted – Block 45.04 Lot 17 – 118 Squan Beach Drive in the amount of \$1,887.60 which is a three-year appeal.
- State Tax Appeal Granted – Block 884 Lot 7.01 – 341 Cedarcroft Drive in the amount of \$4,487.80.

President Mummolo opened the public hearing on the Resolutions.

There were no comments from the audience.

President Mummolo closed the public hearing on the Resolutions.

President Mummolo opened the public hearing on the Computer Bill Resolution

There were no comments from the audience.

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

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

All Council Members voted AYE on Roll Call, except:  
Councilman Fozman ABSTAINED on the BTMUA.

**2016 Computer Bill Resolution in the amount of \$682,614.21**

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 Vice President Pontoriero and seconded by Councilwoman deJong to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

**2016 Manual Bill Resolution in the amount of \$3,027.78**

**Ordinance on First Reading: Refunding Bond Ordinance Series 2009A**

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

President Mummolo stated this ordinance allows for the refinancing of debt, which will produce a lower payment. He said the purpose of the issuance of the Refunding Bonds is to achieve net debt savings, which is the net of all refinancing costs, by refunding all or a portion of the 2009 Refunded Bonds to realize interest cost savings for property taxpayers residing in the Township. He stated in this refunding bond ordinance the township will hold monies in escrow to pay down the bonds that cannot be taken out or used for any other purpose.

Motion by Vice President Pontoriero and seconded by Councilman Fozman 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.

**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BRICK, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING AND PREPAYABLE GENERAL IMPROVEMENT BONDS, SERIES 2009A OF THE TOWNSHIP TO PROVIDE NET DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$18,800,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR**

**WHEREAS**, the Township of Brick, in the County of Ocean, State of New Jersey (the "Township") has previously issued \$32,881,000 aggregate principal amount of General Improvement Bonds, Series 2009A (the "2009 Bonds") dated November 20, 2009; and

**WHEREAS**, a \$18,420,000 outstanding principal amount of the 2009 Bonds maturing on November 1 in the years 2020 through 2028, inclusive (the "2009 Refunded Bonds") are subject to redemption, either in whole or in part on any date on and after November 1, 2019, prior to their stated maturity dates, at a redemption price equal to 100% of their principal amount; and

**WHEREAS**, the Township Council has an opportunity to refund all or a portion of the 2009 Refunded Bonds through the issuance of one or more series of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$18,800,000 (the "Refunding Bonds"), to provide for net debt service savings; and

**WHEREAS**, the Township Council now desires to adopt this Refunding Bond Ordinance (the "Refunding Bond Ordinance") authorizing the issuance of one or more series of Refunding Bonds in an aggregate principal amount not exceeding \$18,800,000, a portion of the sale proceeds of which shall be used to refund the 2009 Refunded Bonds.

**NOW THEREFORE, 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 refunding of all or a portion of the 2009 Refunded Bonds is hereby authorized.

**SECTION 2.** In order to refund the 2009 Refunded Bonds and to pay all related costs associated therewith, the Township is hereby authorized to issue one or more series of Refunding Bonds in an aggregate principal amount not to exceed \$18,800,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 et seq., and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Obligation Refunding Bonds", with such series designation as may be necessary to identify such bonds.

**SECTION 3.** The purpose of the issuance of the Refunding Bonds is to achieve net debt service savings (*net of all refinancing costs*) by refunding all or a portion of the 2009 Refunded Bonds.

**SECTION 4.** An aggregate amount not exceeding \$250,000, may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated

costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

**SECTION 5.** The purpose of the issuance of the Refunding Bonds is to realize net present value interest cost savings for property taxpayers residing in the Township (“net” meaning savings after payment of all costs of issuance of the Refunding Bonds). Applicable State requirements mandate that such net present value interest cost savings equal at least three percent (3%) of the principal amount of the 2009 Refunded Bonds. In addition, the issuance of the Refunding Bonds shall comply with the provisions of N.J.A.C. 5:30-2.5, including that within ten (10) days of the date of the closing on the Refunding Bonds, the Township Chief Financial Officer shall file a report with the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs setting forth (a) a comparison of the Refunding Bonds’ debt service and the 2009 Refunded Bonds’ debt service, which comparison shall set forth the present value savings achieved by the issuance of the Refunding Bonds; (b) a summary of the issuance of the Refunding Bonds; (c) an itemized accounting of all costs of issuance in connection with the issuance of the Refunding Bonds; and (d) a certification of the Township Chief Financial Officer that (i) all of the conditions of section (b) of N.J.A.C. 5:30- 2.5 have been met, and (ii) a resolution authorizing the issuance of the Refunding Bonds, adopted pursuant to the applicable provisions of the Local Bond Law, was approved by a two-thirds vote of the full membership of the Township Council.

**SECTION 6.** A certified copy of this Refunding Bond Ordinance, as introduced, has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

**SECTION 7.** The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Township Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, 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 and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

**SECTION 8.** This Refunding Bond Ordinance shall take effect and twenty (20) days after the first publication thereof after final adoption, and approval by the Mayor.

John Sluka, 950 Sylvia Court, read his letter regarding the parkway construction project. He commented he was disappointed that Windward Beach was closed to sledding for the public on the first day of the storm.

Mayor Ducey explained that they had to get the streets cleaned for the safety of the residents and drivers to be able to get to work and medical services. He said once that was cleared the plows went to Windward Beach and it was opened for public by 3:00 pm yesterday.

President Mummolo added that it was open for pedestrian traffic.

Joanne Bergin responded they had to close the gate because cars were getting stranded so they opted to close it so they could clear the lot.

George Scott, 16 Queen Ann Road, said he understands the public does not comment on first reading of an ordinance but asked if they know how much in savings they would realize from the refunding and asked if any of the bonds from the landfill project were included in that refinancing.

Joanne Bergin responded she would check on which particular bond ordinances were included but the net savings is \$748,000.00 over the term. She said she would be happy to give him a copy of the sheet with more detail.

George Scott asked what the final outcome is to recoup the \$30,000.00 from Birdsall and what is taking so long.

Kevin Starkey said there may be an opportunity to do that. He said there is a potential path to go directly against the insurers of Birdsall. He explained that he does not yet know if that is going to work since there are no assets of Birdsall itself but there is some authority for a court to allow a claimant to bypass the debtor and seek recovery from the insurance carriers. He said this is not yet a certainty. He said the first time they looked at it they were told there were no assets so there

could be no recovery.

Michele Spector, Jenny Court, commented she went before the Turnpike Authority again and read what she presented. She read a letter from a 7 year old child regarding the parkway construction project and expressed her concerns.

Cathy Ericksen, 58 Collins Court, stated her displeasure with the snow removal in Greenbriar I.

Mayor Ducey congratulated all students of the month. He also congratulated Brick Memorial High School for winning the Ocean County Mock Trial Competition. He read an email from Dan Turi and thanked him for his comments regarding the Brick Police Department and the arrest of Antonio Perez. He discussed the blizzard and gave a summary of events. He thanked the Department of Public Works and the Police Department for their efforts. He commented on the steel wall and stated it did its job. He said waves and spray went over the wall. He reported the beaches are closed because of a state of emergency. He talked about flooding in the township.

Councilwoman Zapcic congratulated the students of the month. She thanked Mayor Ducey and council for their proclamation and resolution. She again spoke about National Drug and Alcohol Facts Week.

Councilman Halloran congratulated Emma Mammano and Councilwoman Zapcic for their work with BMAC and said how important this effort is. He congratulated the students of the month. He commented on a situation for Sandy victims who had to have their homes lifted and are disabled who now have to get up and down stairs. He said it's great to see these new homes and dwellings but you do not realize what the problems exist once those homes are raised. He mentioned a block grant for the installation of modular ramps, stairs or lifts or vertical platforms for people who qualify for this type of assistance.

Councilwoman deJong thanked all of the DPW workers and contractors and the Business Administrator who worked for 80 hours in taking care of the township.

Councilwoman Crate congratulated the students of the month. She thanked DPW for their hard work over the weekend.

Councilman Fozman thanked the students of the month and congratulated the DARE graduates. He commented the DPW did a great job.

Vice President Pontoriero congratulated the students of the month. She thanked Karen Cusanelli for coming to the meeting tonight. She stated her concerns with communications regarding the Greenbriar snow plowing. She was happy with the work DPW did and compared the roads to Toms River. She congratulated Councilwoman Zapcic for her award and hard work on BMAC. She congratulated the mock trial students.

President Mummolo said that he attended the Pioneer Installation Dinner along with Vice President Pontoriero. He congratulated Councilwoman Zapcic and Emma Mammano as well as the students of the month.

Motion by Councilman Fozman and seconded by Vice President Pontoriero to Adjourn the meeting at 8:25 p.m.

All Council Members voted AYE.

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Paul Mummolo  
Council President

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Lynnette A. Iannarone  
Township Clerk