

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

Councilman Bob Moore
Councilwoman Andrea Zapcic
Councilwoman Susan Lydecker
Councilman Jim Fozman
Councilwoman Marianna Pontoriero
Council Vice President Heather deJong
Council President Paul Mummolo

Also Present

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

Absent

Mayor John Ducey

Township Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press on January 9, 2015. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).

This meeting began with the salute to the flag led by Boy Scout Troop #39 followed by a moment of silence.

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

All Council Members voted AYE on Roll Call.

Authorize Budget Appropriation Transfers

President Mummolo said this resolution approves budget appropriation transfers as necessary as part of the approved municipal budget.

Authorize Insertion of Chapter 159 – Community Development Block Grant

President Mummolo said this resolution authorizes the insertion of \$287,194.00 from the US Department of Housing and Urban Development – Office of Community Planning and Development for the 2015 Community Development Block Grant program into the municipal budget.

Authorize Insertion of Chapter 159 – Drunk Driving Enforcement Fund

President Mummolo said this resolution authorizes the insertion of \$21,656.56 from the State of New Jersey - Division of Highway Traffic Safety – Drunk Driving Enforcement Fund into the municipal budget.

Authorize Insertion of Chapter 159 – Police Re-Accreditation Grant

President Mummolo said this resolution authorizes the insertion of \$20,000.00 from the Ocean County Municipal Joint Insurance Fund – Police Re-Accreditation Grant 2016 into the municipal budget.

Authorize Insertion of Chapter 159 – NJDOT State Highway 70 – Additional Monies

This resolution authorizes the insertion of \$122,255.00 from the State of New Jersey – Department of Transportation – New Jersey State Highway Route 70 Grant 2012 into the municipal budget.

Authorize Receipt of Bids – Roadway Improvements to Cedarwood Park West

President Mummolo said this resolution authorizes receipt of bids for roadway improvements to Cedarwood Park West including Round Avenue, Beacon Avenue, Gloucester Avenue, Cypress Avenue, Central Avenue, Jackson Avenue, Myrtle Avenue, Mercer Avenue, Fairmont Avenue and Lynnwood Avenue.

Authorize Award of Bid – Purchase & Delivery of Sign Materials

This resolution authorizes the award of bid for the purchase and delivery of sign materials to Beacon Graphics, Branchburg, NJ; Creative Visual Systems, Somerset, NJ; Garden State Highway Products, Vineland on a per item basis.

Authorize Award of Bid – Tree Trimming, Removal & Disposal Service

President Mummolo said this resolution authorizes the award of bid for tree trimming, removal and disposal services to Falkinburg Tree Experts, Brielle, on an as needed basis.

Authorize Award of Bid – Operation of Brick Beach I Food Concession Stand

President Mummolo said this resolution authorizes the award of bid for the operation of Brick Beach 1 Food Concession to Jersey Shore Snack Shack, Point Pleasant, with a bid of \$78,000.00 for the three summer seasons included in this contract. This represents an increase in the bid over the previous amount.

Authorize Award of Contract – Employees & Retiree's Prescription Coverage

President Mummolo said this resolution authorizes the award of contract for employees and retirees prescription coverage to the Central Jersey Health Insurance Fund. He said the contract period is for one year commencing January 1, 2016 with provisions for a second and third year agreements, pending successful completion of the previous year agreement.

Authorize Award of Contract – Cobra Services – Benefit Analysis, Inc.

President Mummolo said this resolution authorizes the award of contract for Cobra services to Benefits Analysis, Nutley to provide Cobra rates and Cobra coverage benefit consulting for township employees and retirees. The term of this contract is 12 months and commences on January 1, 2016.

Authorize Award of Contract – Employee Health Benefits Coverage – Horizon Blue Cross Blue Shield

This resolution authorizes the award of contract for employee health benefits coverage to Horizon Blue Cross Blue Shield to provide third party administrative services to the Township's employee and retirees health benefits insurance coverage. He said the term of this contract is 12 months and commences on January 1, 2016.

Authorize Award of Contract – Stop Loss Coverage – Symetra

President Mummolo said this resolution authorizes the award of contract for stop loss coverage to Symetra Financial, Bellevue, Washington. He said the Township has had a good history with both Horizon and Symetra. He stated the specific deductible and aggregating specific deductible under Symetra will remain steady and no lasers have been added to the plan.

Authorize Award through HGAC-Buy National Cooperative – Residential Rollout Carts

President Mummolo said this resolution authorizes the township to enter into an agreement with the Houston-Galveston Area Council-Buy for the purchase and delivery of one hundred (100) 95 Gallon capacity residential rollout carts in the amount of \$6,060.00.

Authorize Execution of Memorandum of Understanding with U.S. Fish & Wildlife for Installation of Marsh Monitoring Equipment

President Mummolo said this resolution authorizes the execution of a Memorandum of Understanding with U.S. Fish & Wildlife for the installation of marsh monitoring equipment on Township property, Block 196, Lot 5, adjacent to Reedy Creek on its southern bank and about 210 meters upstream from the creek's mouth at Barnegat Bay. He said Fish and Wildlife has installed Surface Elevation Tables in the Forsythe Refuge to measure the relative elevation change of wetland sediments, particularly relative to sea level rise and specific processes such as hurricanes, tropical storms and nor'easters. He stated Fish and Wildlife has proposed this MOU to authorize them to access, maintain and monitor the Surface Elevation Tables on Township property.

Support NJDOT Traffic Regulation Order – Bicycle Lanes

President Mummolo said this resolution supports the NJDOT's request to establish bicycle lanes along portions of Route 35 in Brick. He said the lane locations will be designated as bicycle lanes; no other vehicles will be permitted to use these lanes. He explained the lanes will be 5 feet in width and will be located on Rt. 35 northbound between mileposts 7.24 and 9.04; and on Rt. 35 southbound between mileposts 9.04 and 7.24.

Authorize Memorandum of Agreement – Teamsters – School Crossing Guards

President Mummolo said this resolution authorizes a Memorandum of Agreement with the Teamsters Local 469 covering school traffic crossing guards. He said the modification focuses on the summer work done by the crossing guards, which is a new component to their duties requiring detailed, agreed-upon items such as a summer clothing allowance, notification of the intent to work in the summer and days off for those guards who work the summer.

Authorize Conveyance of Properties to Enable Inc.

President Mummolo said this resolution authorizes the conveyance of properties to Enable Inc. He said this resolution covers 2 properties: Block 321, part of Lot 4.02 on Drum Point Road and Block 1371, Lot 12 on Herbertsville Road to facilitate the development of two group homes for people with intellectual and developmental disabilities which will become a part of the Township's Affordable Housing Inventory. He said the conveyance is being required by the New Jersey Housing Mortgage Finance Agency, who provides funding for affordable housing projects.

Authorize Placement of Tax Liens for Property Clean-ups

President Mummolo said this resolution authorizes the placement of tax liens at the following locations: 643 Mark Manor Drive in the amount of \$138.04; 8 Cadiz Drive in the amount of \$1,659.12; and 178 Cleveland Court in the amount of \$173.20.

Bond Releases/Reductions:

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

- Performance Bond Reduction – Matthew & Meghan Presutti – Off Route 35 South returning \$4,921.50 to the applicant.
- Performance Bond Reductions – John Kane – Off Route 35 South returning \$4,921.50 to the applicant.
- Performance Bond Release – Metro PCS New York, LLC - Brick Boulevard returning \$716.23 to the applicant.
- Inspection Fund Release – W&F Developers – various locations returning \$2,852.34 to the applicant.
- Inspection Fund Release – Mayo4 SAM, LLC – Brick Boulevard returning \$740.35 to the applicant.
- Inspection Fund Release – Shay Varone – Chambers Bridge Road returning \$298.05 to the applicant.

Tax Collector:

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

- Veteran/Widow of Veteran Deductions Granted – 2015: 294 Sky Manor Boulevard in the amount of \$250.00; 80 Tiller Lane in the amount of \$250.00; 235 Van Avenue in the amount of \$250.00; and 10 Darley Circle in the amount of \$250.00.
- Senior Citizens Deductions Granted – 2015 12 Poe Road in the amount of \$250.00.
- Disability Deductions Granted – 2015 436 Laurel Avenue in the amount of \$250.00.
- Tax Overpayments – 2015: 132 Captains Drive in the amount of \$1,442.28; 289 Hudson Drive in the amount of \$733.87; 243 Lake Road in the amount of \$518.56; 357 16th Avenue in the amount of \$324.67; 4 Amy Court in the amount of \$1,134.19; 9C Court E in the amount of \$872.33; 10 Drew Avenue in the amount of \$1,441.28.

Authorize a Third Amendment for a Lease Agreement with T-Mobile

President Mummolo said this resolution authorizes the increase from 400 square feet to 1000 square feet lease of space to T-Mobile who will be subletting the space to Sprint. The township will receive 40 percent of the sub lease making the total received each month \$740.00 with an annual 3 percent increase.

Authorize Negotiation of Bid - Milling Machine

President Mummolo said this resolution is to authorize negotiations to repair the Township's 2002 Marini MP1300 milling machine. He said that they went out to bid on two separate occasions and received no response, they are now authorizing the Business administrator to negotiate the repairs needed.

President Mummolo opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, asked for an explanation for the lease for T-Mobile.

President Mummolo stated behind town hall they have 400 sq ft that they lease from the town which they are increasing to 1,000 sq ft which will allow them to add additional equipment and sublet some of that equipment to Sprint so that will increase what they pay to the town.

Joanne Bergin responded they lease space on the tower as well as space in the equipment building which is at the base of the tower.

President Mummolo closed the public hearing on the Resolutions.

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

There were no further comments from the audience.

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

Vice President deJong stated under the MUA bill there is a \$26,000.00 payment from Traders Cove to the MUA.

Joanne Bergin stated there was an issue with one of subcontractors working on the breakwater dock where a valve was left open with water flowing for a period of time before it was detected by the MUA. She said they were able to identify the date that the valve was turned on and knew the date where they were made aware of the problem and were able to tie it to the responsibility of the subcontractor whose insurance company has agreed to pay this water bill due to their error, however the process is taking longer than expected, therefore they will deduct this amount from the retainer once the job is completed.

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

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

2015 Computer Bill Resolution in the amount of \$7,723,746.04

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 Vice President deJong to adopt the following Resolution.

All Council Members voted AYE on Roll Call, except:
Councilman Moore ABSTAINED on Township Payroll.

2015 Manual Bill Resolution in the amount of \$3,160,500.72

Ordinance on First Reading: Authorize Property Donation – Block 213.08 Lots 1 – 3 – Pine Crest Drive

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

President Mummolo explained this ordinance will allow the township to accept a property via donation on Pine Crest Drive. He said the assessed value is \$5,100.00 and it is in a flood hazard area. He stated it is a straight donation and will assist the Township in earning points as part of the participation in the Community Rating System program.

Motion by Councilman Fozman and seconded by Councilman Moore 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.

ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF PROPERTY KNOWN AS BLOCK 213.08, LOTS 1, 2 & 3 FOR NO CONSIDERATION

Ordinance on First Reading: Amend Chapter 324 – Peddling and Soliciting

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

President Mummolo explained this ordinance enhances the Township's current ordinance as it relates to peddling and soliciting. He said the first component addresses non-profit groups that use children as volunteers to peddle goods. He noted non-profit organizations are not subject to the permit requirement but under Code Section 324-3, they must register with the Clerk's Office. He said they also have to comply with some specific requirements, such as outlining which streets they will be canvassing, and the name and ages of any solicitors who are minors. He reported the revised ordinance requires that any volunteers with these non-profit organizations wear identification badges, and a requirement of adult supervision. He said other enhancements to the ordinance include limiting the time of solicitations from 10 am to 6 pm or sundown which occurs earlier, and prohibits various types of illegal and discriminatory tactics by real estate agents or potential real estate purchasers.

Motion by Vice President deJong and seconded by Councilwoman Lydecker 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 AND SUPPLEMENTING CHAPTER 324 OF THE TOWNSHIP CODE, ENTITLED "PEDDLING AND SOLICITING"

Ordinance on Second Reading: Amend Chapter 331 – Outside Storage & Delivery of Firewood – Residential Areas

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

President Mummolo explained this is a modification of an ordinance that was first proposed back in September. He reported residents shared their concerns with council on the proposed ordinance. He said council heard those complaints and went back to the drawing board with the Land Use Committee to review and revise based on feedback from the residents. He said initial discussions on an ordinance regulating outside storage and delivery of firewood was based on the number of complaints they received about people stockpiling a significant amount of firewood on their property lines, in their front yards and in their driveways. He said council sent code enforcement out, but there is not enough definition in the existing ordinance to cite violations. He stated this revised ordinance helps control the amount of firewood on site at any given time, and better defines storage locations. He said the ordinance limits deliveries to two in any 30-day period; prohibits firewood storage in the front yard (no longer than 10 days after delivery) firewood must be stored one foot from neighbor's lot lines (as opposed to three); limits firewood storage to five cords of wood stored at any time (as opposed to two); no more than one-fourth of a firewood cord shall be stored on the porch of a residential structure; and storage on a front porch must be in a factory built metal storage device.

President Mummolo opened the public hearing on the Ordinance.

Ron Stutesman, 133 Hill Top Drive, commented he does not think the ordinance goes far enough for his problem which is unique. He stated the disturbance created by his neighbor is outrageous. He supports the present ordinance change. He stated his concerns that the ordinance is unintrusive; the disturbance affects property value and the ordinance is not heavy enough. He would like to see a permit for importing wood.

President Mummolo closed the public hearing on the Ordinance.

Councilwoman Zapcic commented she thought about this ordinance since the last meeting and said when she picked up the packet for tonight and saw the revisions to the peddling and soliciting ordinance it became a lot clearer to her. She said those two ordinances are vastly different but what they come down to is the intent, and the intent is exactly the same thing. She stated at the last meeting the intent of the firewood ordinance is not to create firewood police and in this case any more than the intent of the peddling ordinance is to create the Girl Scout Cookie police. She said the intent is to provide protection for the quality of life for the residents and they are exactly the same. She said she can't vote in favor of one and not the other.

Councilman Fozman commented they need to move this ordinance forward because they had code enforcement go out and site people for the violation and when they came to court the judge could not hold them/fine them because there were no teeth in the ordinance. He said the ordinance can always be modified later but they now have something to stand on.

Councilwoman Pontoriero stated she disagrees with Councilwoman Zapcic as to an analysis comparing the two ordinances. She appreciates the intent is the same as far as improving quality of life. She said there were specific needs addressed by the No Knock Ordinance. She stated they have heard tonight that this ordinance does not even address Mr. Stutesman's needs. She feels this ordinance is overly burdensome and the inaction at this point in time will create problems that have already started gathering their wood for the season and she does not think it hits the issue that several residents have. She said maybe they need to look at the Nuisance Ordinance.

President Mummolo added that he asked for people to contact him and he spoke with a lot of people and discussed the ordinance then brought it back to Land Use. He said people who burn firewood were happy with it but there are quality of life issues they needed to be address.

Motion by Councilman Fozman and seconded by Councilman Moore to adopt the following Ordinance on Second Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call, except:
Councilwoman Lydecker voted NAY on the ordinance.
Councilwoman Pontoriero voted NAY on the ordinance.
Vice President deJong voted NAY on the ordinance.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE TO ADOPT CHAPTER 331, ARTICLE III, ENTITLED "OUTSIDE STORAGE AND DELIVERY OF FIREWOOD IN RESIDENTIAL AREAS"

Nan Coll, 18 Greenbriar Boulevard, congratulated those who were re-elected and those elected. She also thanked the Councilwoman Lydecker and Councilman Moore for serving on the council. She asked for council comments to go before public comments. She commended the mayor for his mayor's in/out nights. She would like to see council hold forums. She stated there needs to be an advocate in town hall that would interfere for people in their homeowners associations when there is a problem.

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

Michele Spector, Jenny Court, stated they measured the decibel level in Evergreen Woods on the South Bound Side and it was 75 to 90 decibels. She commented this is not the way people should be living. She spoke to an attorney who said they might qualify for the Environmental Rights Act because they are a lower-middle income neighborhood and cannot afford big class lawyers to fight this authority. She stated there was a stakeholder meeting with Cherry Wood Farms on May 5, 2011 and she tried to get the minutes from that meeting. She is trying to find out who made the decision that Cherry Wood Farms would get a wall and Evergreen Woods would not. She spoke about the Nuisance Law and asked what they had to do and what they would need.

Joanne Bergin said the mayor is on vacation and was making a few comments on his behalf. She said she and the mayor met with the 2016 Summerfest concert coordinator and have decided on the lineup. She thanked DPW employee John Koester who was honored at the League of Municipalities by the American Public Works Association as employee of the year,

nominated by Mayor Ducey.

Councilman Moore congratulated Chief Bergquist on his retirement and wished the new Chief Jim Riccio and Deputy Chief Mazza the very best. He wished the Democratic Organization well and thanked all for believing in him.

Councilwoman Zapcic commented on the Brick Hero awards. She spoke about the Brick Community Children's Theater's presentation of Elf, Jr. She spoke about Christmas Tales at the Cultural Arts Center and a Holiday Celebration Concert at Greenbriar II Clubhouse.

Councilwoman Lydecker apologized for missing the last meeting. She offered belated congratulations to the Students of the Month and Teacher of the Year announced at the last meeting. She thanked Andrea for covering all of the wonderful programs coming up.

Councilman Fozman thanked the Boy Scout for leading the Pledge of Allegiance. He is glad they are getting the milling machine fixed.

Councilwoman Pontoriero thanked the Boy Scouts for leading the Pledge of Allegiance. She said she will be present at the Mayor's Night In on December 10 in Chambers A & B.

Vice President deJong stated they started Buy in Brick to support the local and small businesses. She encouraged everyone to look at the Buy in Brick website, see the vendors and what they can do to support the town.

President Mummolo congratulated DPW employee John Koester. He thanked the Boy Scouts for their participation.

Motion by Councilwoman Pontoriero and seconded by Councilwoman Lydecker to Adjourn the meeting at 8:05 p.m.

All Council Members voted AYE.

Paul Mummolo
Council President

Lynnette A. Iannarone
Township Clerk