

October 10, 2017

A 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 Marianna Pontoriero (Left 7:47pm)
Councilman Paul Mummolo
Councilwoman Heather deJong
Councilwoman Lisa Crate
Councilman Jim Fozman
Council Vice President Andrea Zapcic
Council President Arthur Halloran

Also Present

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

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press on January 13, 2017. 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 followed by a moment of silence.

The Clerk was directed to accept and file the Building & Construction, Certificate of Occupancy, Engineering, Sewer & Water and Vital Statistics Reports for the month of September 2017.

Motion by Councilwoman Pontoriero and seconded by Councilman Fozman to dispense with the reading of the minutes of September 26, 2017 meeting and approve the same.

All Council Members voted AYE on Roll Call.

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

All Council Members voted AYE on Roll Call.

Recognize Breast Cancer Awareness Month

President Halloran stated this resolution recognizes October as Breast Cancer Awareness Month which helps raise awareness and support those courageously fighting breast cancer and to honor the lives lost to the disease.

Authorize Insertion of Chapter 159 – State Body Armor Replacement Fund Program Grant

President Halloran stated this resolution authorizes the inclusion of an \$11,507.28 grant from the New Jersey Division of Criminal Justice for the State Body Armor Replacement Fund Program Grant for 2017 which is used to offset the cost of the body armor for police officers.

Authorize Receipt of Bids – Tree Removal Services

President Halloran stated this resolution authorizes the receipt of bids for tree removal services. He explained this bid is necessary for all tree trimming, removal and disposal that cannot be done in-house. He said the work will include the removal of dead, dying, diseased, interfering, objectionable or weak branches and/or the complete removal of the entire tree, including the grinding or removal of stumps, chips removed and replaced with fill dirt. He noted the Township had an approximate expenditure of \$24,791.00 during this current two-year contract period which will expire on December 6, 2017 with Falkinburg Tree Expert Co., Brielle, as the current vendor.

Authorize Receipt of Bids – On-Site Environmentally Safe Truck Wash Services

President Halloran stated this resolution authorizes the receipt of bids for on-site environmentally safe wash for Township owned vehicles and equipment by recapturing wash water runoff during the cleaning process and preventing it from contaminating soil and groundwater. He said since the Department of Public Works does not have a "closed" system for the capture of wastewater when washing trucks and equipment, the Township must contract out for this service. He advised the New Jersey Discharge Elimination System Storm Water Permit mandates the capture of the wastewater runoff to prevent the contamination of soil and groundwater. He noted the Township had an approximate expenditure of \$59,000.00 during this current two-year contract period, which will expire on November 16, 2017 with Tri State Commercial Pressure Washing, Jackson, NJ as the current vendor.

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Authorize Award of Bid 2017 Local Road Improvements – Sweeney Avenue West Section Contract #4

Mayor Ducey explained this resolution authorizes the award of contract for the 2017 Local Roadway Improvement Project – Sweeney Avenue West Section to Earle Asphalt, Farmingdale, for a total bid amount of \$228,213.13. He said on September 29th, the Township received bids for this project and notices were mailed to 60 potential bidders of which seven contractors responded to the notice and requested bid packages. He said five proposals were submitted with bids ranging from \$228,213.13 to \$363,330.00, with Earle being the lowest, responsive, responsible bidder. He noted the scope of work consists of roadway milling and resurfacing, select curb replacement, curb ramps, drainage improvements and retrofitting of curb pieces and installation of bicycle safety grates. He said the streets are Brian Avenue, Sweeney Avenue West, Michael Avenue, Hayes Avenue and Drew Avenue.

Authorize Award of Contract – Purchase & Delivery of One Ford F-450 4x2 Ambulance through HGAC-Buy National Cooperative

President Halloran stated this resolution awards a contract for to P.L. Custom Body, Manasquan, in the amount of \$190,891.00 for a 2018 Type 1 Ford F-450 ambulance. He said the purchase will be made through the Houston-Galveston Area National Cooperative. He noted the purchase of this ambulance was approved in the 2017 capital budget.

Authorize Award of Contract – Purchase & Delivery – 65 Gallon & 35 Gallon Residential Rollout Refuse Carts through HGAC-Buy National Cooperative

President Halloran stated this resolution authorizes the award of contract to Otto Environmental Services, Charlotte, NC, in the amount of \$22,852.80 for the purchase of 375 65-gallon and 125 35-gallon capacity residential rollout refuse carts for the Department of Public Works as approved in the 2017 capital budget. He said the purchase will be made through the Houston-Galveston Area National Cooperative.

Authorize Award of Bid – CDBG Housing Rehabilitation Program Project #16-06

President Halloran stated this resolution authorizes the award of bid for a Community Development Block Grant Housing Rehabilitation Program Project to David Clark Construction, Bayville, for a total bid amount of \$19,685.00. He said the Township Planner and staff administer the Community Development Block Grant funds awarded by HUD to Brick Township. He said as projects are qualified as eligible for CDBG grant funds, the process includes a requirement to solicit bids. He advised bid notices were mailed to 45 prospective bidders; 11 vendors picked up bid packages and five bids were received. He advised the bid submitted by David Clark Construction was the lowest responsive and responsible bidder.

Authorize Award of Bid – CDBG Housing Rehabilitation Program Project #16-07

President Halloran stated this resolution authorizes the award of bid for a Community Development Block Grant Housing Rehabilitation Program Project to Nic-Lex Construction, Toms River, for a total bid amount of \$27,445.00. He said the Township Planner and staff administer the Community Development Block Grant funds awarded by HUD to Brick Township. He said as projects are qualified as eligible for CDBG grant funds, the process includes a requirement to solicit bids. He advised bid notices were mailed to 45 prospective bidders; 11 vendors picked up bid packages and three bids were received. He advised the bid submitted by Nic-Lex Construction was the lowest responsive and responsible bidder.

Authorize Execution of Shared Services Agreement – Ocean County Prosecutor’s Special Operations Group

Mayor Ducey explained this resolution authorizes an agreement with the County of Ocean for the Ocean County Special Operations Group for 2017. He explained the Special Operations Group is the Ocean County Gang, Gun and Narcotics Task Force which received funding from the State of New Jersey and Local Law Enforcement Assistance Formula Grant Program. He said it is important that the Township is able to send an officer to take part in this task force and be able to share tips with other townships.

Authorize Execution of Retainer Agreement with Motley Rice, LLC

Mayor Ducey explained the Township will be filing a lawsuit against opioid manufacturers, based on the companies’ misrepresentations to medical providers and patients of the dangers of opioid painkillers. He said they are going to engage the national law firm of Motley Rice, LLC to represent the Township in the lawsuit. He explained under the terms of the agreement, the law firm will not receive any payment from the Township including costs unless they collect

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something, but will instead take a percentage of any recovery from the drug manufacturers. He explained the firm is entitled to 25 percent of any verdict and all of its costs up to 50 percent of the award. He said while they will continue the efforts to attack the heroin problem through treatment and aggressive law enforcement as well as education, but they also want to hold the manufacturers accountable for telling doctors and patients that opioids are not addictive; they know that's not true. He said drug overdoses in Brick have decreased for this year as the number of overdoses this year is 92. He said it is significantly down from this same time last year and this is a direct result of the Township and the Police Department's efforts on education, enforcement and rehabilitation through the Blue HARP, BMAC and other Township programs. The police have set up a drug enforcement unit to pursue dealers, while a community policing unit educates children and the public about the dangers of opioid use. He said they need to use every option to fight this horrific battle. He expressed that he is pleased that Motley Rice will bring its national legal expertise to Brick Township, at no cost to the residents. He said they will continue this fight against heroin and opioid drugs for as long as it takes.

Councilwoman Pontoriero said this firm has a vested interest in winning this lawsuit because otherwise they receive nothing.

Mayor Ducey said yes. He explained the damages the Township wants to collect are the police, detectives and regular officers investigation costs, Narcan revivals, the actual Narcan costs, EMS and police being trained, EMS costs of taking overdosed people to the hospital, various education for DARE officers and anything related to this epidemic.

Authorize Special Events Permit – Grand Opening – Beacon 70

President Halloran stated this resolution authorizes the special events permit for a Grand Opening at Beacon 70 on Route 70 from noon to 10 pm Thursday, October 12th.

Authorize Special Events Permit – Trunk 'n Treat – True Life Church

President Halloran stated this resolution authorizes a special event permit for a Halloween Trunk 'n Treat hosted by True Life Church at Brick Memorial High School on Lanes Mill Road between the hours of 11 am and 4 pm Saturday, October 28th.

Authorize Special Events Permit – Trunk or Treat at Living Faith

President Halloran stated this resolution authorizes a special event permit for a Halloween Trunk or Treat hosted by Laurelton Park Baptist/Living Faith at the church on Route 88 between the hours of 5 pm and 9 pm Sunday, October 29th.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Performance Bond Release – David Beaton & Sons – Beaton Road in the amount of \$128,928.57 and a cash performance bond in the amount of \$14,325.40.
- Performance Bond Release – Anthony Toto – Mantoloking Road in the amount of \$22,500.00 and a cash performance bond in the amount of \$2,250.00.

Tax Collector:

Joanne Bergin advised the following:

- 100% DAV Refund & Cancel Taxes – Block 380.25 Lot 20 – 17 Molly Lane in the amount of \$692.37.
- Issue Duplicate Tax Sale Certificates to 16 properties issued to Actlien Holding Inc.

President Halloran opened the public hearing on the resolutions.

Nan Coll, 18 Greenbriar Boulevard, asked for clarification on several resolutions; spoke about the Motley Rice agreement that the Township will probably not gain anything being partied to the lawsuit.

Mayor Ducey gave her an explanation on each. He said regarding the retainer agreement it is important for the Township to be the Plaintiff and have control over this lawsuit. He gave a brief history on the law firm of Motley Rice, LLC. He advised this is not a class action suit. He reiterated the Township is the Plaintiff and the suit will be filed in Ocean County Superior Court.

Rob Canfield, Princeton Avenue, asked where the money would go and how will it will be used if they are successful with the regarding the lawsuit.

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Mayor Ducey responded when they receive the funds from this lawsuit they want to keep on attacking this epidemic and that is where they want the money to go to – that is what it is for and that is why they are getting it. He spoke of the three prong attack which includes the education, enforcement and treatment portion of it and to expand the programs as they have been doing. He briefly spoke about a new program “Not even once” they are introducing into the high schools and noted it will be groundbreaking.

Mindy Murray, 622 Forge Pond Road, urged the Mayor and Council to go after quality of life and property value damages with this lawsuit because they are suffering because of this epidemic; she also spoke about some of her concerns at Windward Beach Park.

Kevin Starkey advised Motley Rice has asked the Township to put together what damages/calculations. He said the easiest way to calculate damages is hard numbers such as what monies the Township has already spent, but they are also trying to calculate softer numbers. He said with the diminishing quality of life the courts generally are very reluctant to put a dollar of amount on that.

Mayor Ducey addressed Ms. Murray on her Windward Beach concerns.

Vic Fanelli, 24 Meadow Point Drive, spoke about the Special Operations resolution; asked for more clarification on Motley Rice’s compensation.

Kevin Starkey explained in detail the percentage/compensation on what Motley Rice would receive if they are successful in winning the lawsuit.

There were no further comments from the audience.

President Halloran closed the public hearing on the Resolutions.

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

There were no comments from the audience.

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

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

All Council Members voted AYE on Roll Call, except:
Councilman Fozman ABSTAINED on BTMUA;
Vice President Zapcic ABSTAINED on NJ Press Media.

2017 Computer Bill Resolution in the amount of \$9,452,703.45

President Halloran opened the public hearing on the Manual Bill Resolution.

There were no comments from the audience.

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

Motion by Councilman Fozman and seconded by Councilman Mummolo to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

2017 Manual Bill Resolution in the amount of \$1,617,685.83

John Sluka, 950 Sylvia Court, read his letter regarding the parkway construction project; spoke about the need for a wall at Evergreen Woods.

Steve Brill, 806 Jenny Court, spoke about the municipal open space portion on his tax bill.

Nan Coll, 18 Greenbriar Boulevard, expressed her support of a wall for the residents of Evergreen Woods; spoke about a community center and about having a local debate with all candidates that are running for public office.

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Vic Fanelli, 24 Meadow Point Drive, spoke about placement of political signs; spoke of an APP article regarding OPRA and OPMA and advised he will forward a copy to the Mayor and council members.

Rob Canfield, Princeton Avenue, spoke about an upcoming recovery group event on October 16th.

There were no further comments from the audience.

President Halloran closed the public hearing portion of the meeting.

Mayor Ducey reminded residents of FallFest on Saturday; he announced the ribbon cutting ceremony for Hank Waltonowski Memorial Park on November 2nd; He mentioned the various events he attended; spoke about the UNICO/Ocean County Columbus Day Committee Flag Raising ceremony.

Councilman Mummolo said he is happy they are going forward with the lawsuit against the opioid manufacturers; spoke of some of the events he attended; he thanked all the volunteers that helped with the Challenger HalloweenFest.

Councilwoman deJong thanked Chris and Cindy for all their hard work in putting together the town-wide yard sale. She announced some upcoming events. She said the Recreation Department is still looking for donations of candy for Trunk 'n Treat.

Councilman Fozman announced from now through November the BTMUA will begin the flushing of the hydrants; he announced the upcoming reusable bag give away at Stop & Shop; spoke about the leaf collection pickup times and construction drop off at DPW.

Vice President Zapcic spoke about the BMAC' volunteers that have been out in neighborhoods handing out information for "Knock about Opioid Abuse Day" to encourage residents to clean out their medicine cabinets and get rid any unused medications. She thanked everyone who participated, supported and volunteered for the BMAC Golf Outing and gave kudos to Madeline for her funding raising efforts. She expressed her pleasure about the lawsuit and spoke and gave some statistics about the opioid epidemic.

President Halloran said he attended along with Mayor Ducey the Crossing Guard Appreciation Day and thanked them for their service.

Motion by Councilwoman deJong and seconded by Councilman Mummolo to Adjourn the meeting at 8:38 p.m.

All Council Members voted AYE.

Arthur Halloran
Council President

Lynnette A. Iannarone
Township Clerk