

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

Also Present

Mayor John G. Ducey
 Scott Kenneally, 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 and The Ocean Star on January 5, 2018. 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 May 2018.

Motion by Councilman Halloran and seconded by Councilman Mummolo to dispense with the reading of the minutes of April 24, 2018 meeting and approve the same.

All Council Members voted AYE on Roll Call.

Teacher of the Year: Pamela Cooper

Mayor Ducey, President deJong along with Vice President Crate recognized Pamela Cooper for being bestowed Teacher of the Year. Vice President Crate gave brief history of her accomplishments and presented her a resolution on behalf of the Township Council. Mayor Ducey said the Township of Brick is fortunate to have many outstanding individuals who are dedicated to the education of young residents and in addition to Ms. Cooper dedication in the classroom, she also promotes the health and wellbeing of her students by establishing a community connection and to help foster career awareness. He presented Ms. Cooper a proclamation and proclaimed Wednesday, June 13, 2018 to be Pamela Cooper Day.

Tick Awareness Month

Mayor Ducey said the Master Gardeners of Ocean County, under the direction of the Rutgers Master Gardener Program, provides services for tick identification and have tracked the tick population in Ocean County since 2010. He presented Noreen Baris from the Ocean County Master Gardeners a proclamation and proclaimed June 2018 to be Tick Awareness Month.

Recognize Hackensack Meridian Ocean Medical Center

Mayor Ducey, President deJong along with Trish Totaro, Recycling Coordinator recognized Hackensack Meridian Ocean Medical Center for their continued efforts with recycling and sustainability. Ms. Totaro said they have a great partnership the hospital when it comes to recycling. She advised they have sponsored a beach cleanup, participated in the Green Fair and have hosted two Township expos/recycling events. Mayor Ducey and President deJong announced and presented Certificates of Commendation to the following: Dean Q. Lin, Regional President, Vito Buccellato, Chief Operating Officer, Mike Maccia, Manager, Environmental Services, Karen Kavanagh, Manager, Volunteer Services, Dawn Battaglia, Manager, Materials Management, Sue Weiss, Risk Manager, Alicia Decker, Imaging Services Business Manager, Nancy Kerr, Manager, Infection Control, Mike Silverstein, Manager, Food & Nutrition, Walter Wynkoop, MD, and Ken Soucek, Senior Manager, Operations.

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

All Council Members voted AYE on Roll Call.

Recognize District Teacher of the Year – Pamela Cooper

President deJong stated this resolution recognizes Pamela Cooper, a consumer science teacher at Lake Riviera Middle School, as Brick Township's Teacher of the Year.

Authorize Acceptance of Emergency Management Performance Grant

President deJong stated this resolution accepts a grant in the amount of \$10,000.00 from the New Jersey State Police Office of Emergency Management which is used to offset the salary of the Township's Emergency Management Coordinator.

Authorize Request for Extension – Airport Tract 2016 NJDOT Grant

President deJong stated this resolution authorizes the Township request for an extension of the NJDOT Municipal Aid Bikeways Program grant. She said the extension is being requested to give Township staff more time to coordinate the acquisition of easements from the Ocean County Utility Authority in order to construct the bikeway, complete the design plans and award the contract for construction.

Authorize Receipt of Bids – Service & Repairs to Fuel Dispensary System

President deJong stated this resolution authorizes the receipt of bids for service and repairs to the Township's fuel dispensary system which is approximately 20 years old. She said this will be a time and materials bid that will include service and repairs as well as service calls to ensure compliance with the NJDEP's 1- and 3-year testing requirements.

Authorize Receipt of Bids – Roadway Improvements to Heritage Hill

Mayor Ducey stated this resolution authorizes the receipt of bids for roadway improvements to Heritage Hill including Merrimac Way, Liberty Lane, Revere Drive and Revolutionary Road.

Authorize Receipt of Bids – Roadway Improvements to Laurel Crest

Mayor Ducey stated this resolution authorizes the receipt of bids for roadway improvements to Laurel Crest including Poplar Way, Center Drive and Folsom Drive.

Authorize Receipt of Proposals – Legal Services Pool

President deJong stated this resolution authorizes the receipt of proposals for legal services pool in order to expand the current pool to ensure a diverse representation from which to use as needed.

Authorize Award of Bid – Bernard J. Cooke Park Improvements

Mayor Ducey stated this resolution awards a bid to Precise Construction, Freehold, in the amount of \$1,613,668.00 for improvements to Bernard J. Cooke Park. He said the scope of work generally consists of the construction of parking lot improvements, a concrete skate park, basketball courts, age specific playgrounds, a multi-purpose softball field, concrete trike path, concrete patio areas, HMA walkways, lighting and electrical improvements, irrigation system and associated well, and other site improvements to the existing park area. He reported four bids were submitted for this project with Precise Construction being the lowest responsive, responsible bidder.

Authorize Award of Bid – Replacement of HVAC Units at Civic Plaza

President deJong stated this resolution awards a bid for the replacement of HVAC units at Civic Plaza to WHL Enterprises, trading as Bill Leary Air Conditioning & Heating, Metuchen at a not-to-exceed amount of \$75,000 per year. She reported twelve bidders picked up packages and one bid was received, that being WHL Enterprises. She said this will be a two-year contract that will commence on June 13, 2018 and end June 12, 2020.

Authorize Award of Re-Bid – General Athletic Equipment & Supplies

President deJong stated this resolution authorizes the award of re-bid for general athletic supplies to 3 vendors: A.D. Starr, BSN Sports, and Metuchen Center. She said bid notices were mailed to 20 prospective bidders of which three bids were received. She said the bid specification for the catalog discount contains various types of items whereby not all items are available through one bidder. Therefore, it is the recommendation of the Recreation Director to award this category to all 3 bidders.

Authorize Award of Contract – Electric Supply Services

President deJong stated this resolution authorizes award of contract for electrical supply services to Aggressive Energy, LLC. An online auction for the purchase of bulk electricity was held on May 22 and administered by Concord Energy, the Township's energy consultant for utility accounts and the solar array at the landfill. The auction was held specifically for the electricity accounts and street lights and was an important first step in the process of identifying how to best optimize the solar revenue at the landfill. The pricing received at the auction was favorable and the township is projected to save over \$215,000 over the two-year term. The savings is a direct comparison to the effective utility rate in place on June 1, 2018. This is a 16 percent decrease from the previous costs for bulk electricity.

Authorize Award of Contract – Purchase & Delivery of Office Supplies through Stafford Township Cooperative Pricing System

President deJong stated this resolution authorizes an award of contract for the purchase and delivery of office supplies to W.B. Mason, as part of the Stafford Township Cooperative Pricing System. She said this is an open-ended contract with funds being encumbered contingent upon the availability of funds in the budget year not to exceed \$35,000.00 per year. This is a two-year contract.

Authorize Award of Proposal – Alternate and Conflict Code Enforcement Prosecutor

President deJong stated this resolution authorizes an award of proposal for alternate and conflict code enforcement prosecutor to Eric M. Bernstein & Associates and Grace Marmero and Associates at a rate of \$400.00 per hour for alternate code enforcement prosecutor and \$250.00 for conflict code enforcement prosecutor.

Authorize Award of Bid - CDBG Rehabilitation Program Project #17-01

President deJong stated this resolution authorizes award of bid to Neumann Construction, in the amount of \$22,600.00 for a project funded through the Community Development Block Grant program.

Authorize 2018-2019 Liquor License Renewals without Restrictions – Consumption Distribution and Club Licenses

President deJong stated this resolution renews plenary retail consumption licenses without restrictions to: PJ Sweeneys, Windward Grille, Arrowhead Inn, Villa Vitoria, River Rock, Beacon 70, Spirit Unlimited, and TGI Fridays, plenary distribution licenses without restrictions to Forbes Liquors, Lenape Buy-Rite Liquors, Brick Town Liquors, Wine Shoppe, NJ Wine Gallery, Brick Liquors, Buy Rite of Brick, Wine World, and Joe Canal's Discount Liquor Outlet; and club liquor licenses without restrictions to American Legion Post #348, Knights of Columbus, Brick Elks, Metedeconk River Yacht Club, Riviera Beach Boat Club, Shore Acres Yacht Club and VFW Post #8667.

Authorize 2018-2019 Plenary Retail Consumption Liquor License Renewals with Restrictions

President deJong stated this resolution renews plenary retail consumption licenses with restrictions to the following: Applebee's; Bonafish Grill; Jack & Mike's Bar & Grill; Carrabba's Italian Grill; Houlihan's; Mantoloking Road Alehouse; Outback Steakhouse; Quaker Steak & Lube; Red Robin; Tuscany; Urban Coalhouse, Use to Be's and Rosalita's/Tre.

Authorize Placement of Tax Liens for Property Clean-ups

President deJong stated this resolution authorizes the placement of tax liens for a property clean up at 735 Herbertsville Road in the amount of \$163.59.

Authorize Special Events Permit – GCM Family Fun Day

President deJong stated this resolution authorizes a special events permit for a Family Fun Day at Green Cove Marina from 1 to 4 pm, Saturday, June 23 at the Marina located on Division Street.

Authorize Special Events Permit – Festival at Living Faith

President deJong stated this resolution authorizes a special events permit for a Festival at Living Faith Bible Church on Route 88. The festival will be held from 11:30 am and 4 pm on July 22.

Authorize Special Events Permit – Berry Fresh Farms

President deJong stated this resolution authorizes a special events permit for Scary Rotten Farms at Berry Fresh Farms on Brick Boulevard from dusk to 11 pm during the months of September and October as well as December 7, 8, 14 and 15.

Authorize Special Events Permit – PBA Fundraiser

President deJong stated this resolution authorizes a special events permit for a Brick PBA Fallen Heroes fund-raiser at Beacon 70, Route 70. The event will be held from 1 to 9 pm Friday, June 29 with a rain date of July 13.

Bond Releases/Reductions

Clerk Iannarone advised the following:

- Inspection Fund Release – Daryl Porter – Mantoloking Road, in the amount of \$237.67.
- Inspection Fund Release – Coast Termite – Brick Blvd. in the amount of \$90.58.
- Inspection Fund Release – Milric Construction Corporation – Chambers Bridge Rd. in the amount of \$1,109.92.

Tax Collector

Joanne Bergin advised the following:

- 100% DAV Refund & Cancel Taxes – Block 1244 Lot 138 in the amount of \$1,708.57.
- 100% DAV Refund & Cancel Taxes – Block 1340.17 Lot 48 in the amount of \$673.16.
- Tax Overpayments – 2018 there is one in the amount of \$219.77.
- Redemption of Tax Sale Certificates for Block 855, Lot 39 and Block 808, Lot 1.

President deJong opened the public hearing on the Resolutions.

Sam Foster, 108 Teakwood Drive, expressed his concerns with one of the renewals of a liquor license because he said that they allow smoking in the facility.

Mayor Ducey advised that he should contact the Health Department on the smoking situation.

Nan Coll, 18 Greenbriar Boulevard, asked for clarification on several resolutions.

Mayor Ducey gave her an explanation on each.

Steve Brill, 806 Jenny Court, spoke about his concerns with Bernie Cooke Park and the health issues with the parkway construction project.

There were no further comments from the audience.

President deJong closed the public hearing on the Resolutions.

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

There were no comments from the audience.

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

Motion by Councilman Mummolo and seconded by Vice President Crate to adopt the following Resolution:

- All Council Members voted AYE on Roll Call, except:
Councilwoman Zapcic ABSTAINED on Gannett and NJ Press Media;
President deJong ABSTAINED on CME.

2018 Computer Bill Resolution in the amount of \$1,180,112.20

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

There were no comments from the audience.

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

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

All Council Members voted AYE on Roll Call, except:
President deJong ABSTAINED on CME.

2018 Manual Bill Resolution in the amount of \$1,697,204.56

Ordinance on Second Reading: Amend Chapter 288 – Parking Limits at Traders Cove Playground Parking Lot

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

Mayor Ducey advised this Ordinance will expire on September 15, 2018 and said they are just trying this out until then.

Councilman Fozman said no other park has a two hour parking restriction; he stated his concerns with the parking signs being up before the Ordinance is effective.

President deJong opened the public hearing on the Ordinance.

Nan Coll, 18 Greenbriar Boulevard spoke about the parking regulations and agreed that it should be tried out for this year.

There were no further comments from the audience.

President deJong closed the public hearing on the Ordinance.

Motion by Councilwoman Pontoriero and seconded by Councilman Halloran to adopt the following Ordinance on Second and Final Reading and said Ordinance be published as provided by law:

All Council Members voted AYE on Roll Call, except:
Councilman Fozman voted NAY.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, TO RESTRICT PARKING IN THE PLAYGROUND PARKING LOT AT TRADERS COVE FOR A MAXIMUM OF TWO HOURS IN THE SUMMER MONTHS

Ordinance on Second Reading: Amend Chapter 225 – Housing Standards – Rental CO Regulations - TABLED

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

President deJong explained Brick already has an ordinance requiring a rental CO for all residential rental properties. She said this proposed ordinance tightens that with additional grounds for revocation and or suspension of a Certificate of Occupancy as well as Tenant screening when a change in occupancy occurs. She stated screening includes checks for activity in the landlord/tenant section of Superior Court, records of convictions for any municipal or Superior court offense, and applies not only to the tenant but to all authorized members of the tenant's household. She explained proof of screening is required and a certificate of occupancy will not be issued without proof of adequate screening. Seasonal rentals are exempt from this process. She said this revised ordinance also allows for an automatic suspension of a CO to any landlord or property owner who receives a third notice of violation for renting a premises without having obtained a rental CO in accordance with this code and bars them from obtaining a CO for a period of one year.

President deJong opened the public hearing on the Ordinance.

Nan Coll, 18 Greenbriar Boulevard, stated her concerns with the enforcement of this ordinance.

Lyle Diamond, Resident of Freehold, stated he is a landlord in Brick and advised he does criminal background checks on his tenants prior to renting and asked what the basis for denying a renter is.

Councilman Mummolo responded they are not going to be denying anyone, they are just asking for the landlord to do what you do and renting to someone is up to you, they just want proof that the criminal background check was done.

Michael McNeil, NAACP Housing Committee Chair, expressed to the council that this Ordinance regardless of its intent possibly could lead to discrimination suit against the Township; he advised that he understands as he said sees and hears all issues about housing and complaints in neighborhoods.

Sam Foster, 108 Teakwood Drive, asked why this was not incorporated with the previous landlord ordinance in 2015.

Joanne Bergin gave him an explanation.

Jeff Alino, 128 Captains Drive, said he is a retired real estate broker and a landlord; he said one of his principal concerns with the Ordinance is the criminal background checks; he spoke about having an indemnity clause; he said meeting with some landlords may have solved some of these issues being brought forward; he expressed that this Ordinance seems to focus on the little landlords and not the big apartment complexes.

Scott Kenneally explained the Ordinance does not require the production of the background check to the Township and this only applies to the change of occupancy of a rental unit at that time the landlord provides a letter saying the background check has been done. He said the Town is not requiring or directing a landlord to rent or not to rent to someone they are merely directing the landlord to conduct a background check for their own records. He said this is limited to convictions in the last three years; not arrests. He advised this does not exempt large apartment complexes.

Fred Rush, President of the NAACP of Ocean County/Lakewood, said this Ordinance could be discriminatory against people of color which will lead to all kinds of problems; he said the ones most disenfranchised are the most affected by background checks.

Chris Alino, 143 Clubhouse Road, urged the council not to pass the Ordinance; he spoke of how landlords are already regulated by HUD guidelines.

John Sluka, 950 Sylvia Court, urged the council not to vote on this until everyone understands the Ordinance.

Peter Loffredo, Resident/Landlord from Jackson, expressed this Ordinance does not make sense.

There were no further comments from the audience.

President deJong closed the public hearing on the Ordinance.

Motion by Councilman Mummolo and seconded by Councilman Halloran TABLE this Ordinance. All Council Members voted AYE on Roll Call.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 225, ENTITLED "HOUSING STANDARDS," OF THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, TO PROVIDE FOR INCREASED REGULATION OF RENTAL CERTIFICATES OF OCCUPANCY

Ordinance on Second Reading: Authorize Sale of Block 702 Lot 8 and Portion of 3 – Chambers Bridge Residence

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

President deJong explained this ordinance allows for the sale of township property, specifically the property on which the Chambers Bridge Residence is located to National Church Residences (NCR). The purchase price is \$1,650,000.00 which is consistent with an appraisal completed on the property. She said the building on the property is owned by Homes Now Inc, who has been contracting with NCR to manage the property for many years. She reported as a

condition of sale, the affordable housing restrictions and obligations that currently regulate the Chambers Bridge Residence remain in place, specifically the condition to record a Deed of Easement that extends the affordability housing obligations and restrictions through 2044.

President deJong opened the public hearing on the Ordinance.

There were no comments from the audience.

President deJong closed the public hearing on the Ordinance.

Motion by Councilwoman Mummolo and seconded by Councilman Halloran to adopt the following Ordinance on Second and Final 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 AUTHORIZING THE SALE OF TOWNSHIP LAND KNOWN AS BLOCK 702, LOTS 8 AND P/O 3, LOCATED AT 175 CHAMBERS BRIDGE ROAD

President deJong opened the public hearing portion of the meeting.

Norman Gross, 38 Lagoon Drive West, Ihor Huk, 28 Lagoon Drive West, John O'Donnell, 32 Lagoon Drive West, Donald Zif, 85 Nejecho Drive, All spoke about the damaged lagoon in their neighborhood from Superstorm Sandy and the safety issues/damages that have occurred. They urged the council to help them with the dredging of this lagoon.

Joanne Bergin advised they are well aware of their situation and advised the residents of what they need to do; she said she would like to see the State keeping their word that they will dredge the lagoons.

Carmine Teta, 64 West Granada Drive, spoke of the absorbent fees to date that he has been billed by the various Township departments/engineers for a project he is doing on Mantoloking Road.

Sam Foster, 108 Teakwood Drive, thanked OC Sheriff for the undercover work he has done; he spoke about the tenant landlord ordinance.

Nan Coll, 18 Greenbriar Boulevard, stated her displeasure once again with public comments before council comments; spoke about the school awards should be done at the school; spoke of Monsignor Brady's retirement from St. Dominic Parish.

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

There were no further comments.

President deJong closed the public hearing portion of the meeting.

Mayor Ducey spoke of the upcoming DARE Graduations; mentioned the events he has attended and announced upcoming events; he advised the Memorial Day Parade went well and noted it was the highest attended to date and thanked the VFW, American Legion and the Gold Star Mothers for their hard work in putting together the parade.

Councilwoman Zapcic congratulated Pamela Cooper and mentioned the upcoming Brick Garden Club "Secret Gardens of Brick Tour and Tea".

Councilman Halloran congratulated Pamela Cooper and reminded residents Flag Day is on June 14th.

Councilman Mummolo congratulated Pamela Cooper and gave an update on the Midstreams Bridge.

Councilman Fozman spoke about the Parking Ordinance signs at Traders Cove; he said he was happy with the Housing Standards Ordinance being tabled.

Councilwoman Pontoriero announced the upcoming Neighborhood Watch Meeting dates; she read a letter from her son that he wrote to Ms. Coll regarding the importance of Students of the Month.

President deJong gave an update on the Buy in Brick Program and announced some upcoming Senior events.

Motion by Councilwoman Pontoriero and seconded by Vice President Crate to Adjourn the meeting at 9:50 p.m.

All Council Members voted AYE.

Heather deJong
Council President

Lynnette A. Iannarone
Township Clerk