

September 25, 2018

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 7:02 p.m.

Present

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

Also Present

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

Absent

Councilwoman Marianna Pontoriero

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.

Motion by Councilwoman Zapcic and seconded by Councilman Fozman to dispense with the reading of the minutes of August 28, 2018 Meeting.

All Council Members voted AYE on Roll Call, except:
Councilman Halloran ABSTAINED.

Kids for K9's

Maya and Colleen spoke about their event Kids for K-9's Fundraiser that was held on September 15th and the monies that were raised to help support the K9 dogs. They presented a check in the amount of \$2,781.50 to Chief Riccio and the Police K9 Unit.

Chief Riccio said on behalf the Brick Township Police Department and K9 Unit he thanked Maya and Colleen for their outstanding efforts with their event and the monies they raised.

National Church Residences

Kevin Starkey stated the Chambers Bridge Residence property is located by the Housing Authority. He said it consists of land and 184 unit affordable housing apartment building and it houses low income seniors and disabled individuals. He said the Township owns the land they do not own the building. He noted the building was constructed and is owned by Homes Now, Inc. He explained National Church Residences (NCR) is a non-profit, faith based corporation that manages non-profit affordable housing projects and manages the Chambers Bridge Residence. He advised Homes Now and NCR have had discussions on NCR purchasing the building. He said Homes Now and NCR had many discussions with the Township to sell the land. He advised the land currently is being leased to Homes Now for \$1.00/year and explained it was a 50 year lease. He stated the Township has reached an agreement with NCR for the sale of the land. He explained that the terms are for the Sale Price \$1.65M for the land with 40 Year Restriction on Affordable Housing and Township has right to Purchase Back .

Steve Bodkin, NCR Chief Operating Officer, gave a brief history and said their organization operates 23,000 units of affordable housing across the country. He advised they welcome the deed restrictions because there are no plans to operate the Chambers Bridge Residence as anything other than affordable housing. He stated the organization plans to see tax credits from the State and plans to use the savings that would be gain from that for improvements to the building. He advised they are more than just landlords, they care about the residents and sustainability.

Motion by Councilman Mummolo and seconded by Councilman Halloran to adopt the following Resolution.

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

Authorize Execution of Purchase & Sale Agreement with National Church Residences for Sale of Land – 175 Chambers Bridge Road

Mayor Ducey explained this resolution approves the sale of the property where the Chambers Bridge Residence is located to National Church Residences (NCR) for \$1.65 million. The Township owns the land and has been leasing it to Homes Now for \$1 per year. The building itself is owned by Homes Now, and that organization has a separate agreement with National Church Residences for the sale of the building. He said the same affordable housing restrictions will remain in place. He advised the Township authorized an appraisal of the property which identified the \$1.65 million as a fair value for the property as approved for affordable housing. And noted a fair market value evaluation of market rate rental units cannot be applied. He said there are 184 units at Chambers Bridge Residence – 159 low-income senior units, and eight 3-bedroom units (total of 24) for people with disabilities and one unit for the full-time maintenance employee. He said Homes Now has been contracting with NCR which is the largest non-profit for senior housing in the country for the management of the building's operations. He advised deed restrictions will be in place for a minimum of 40 years beyond the current term and they have negotiated a right of first refusal so that the Township can buy the property back at fair market value in 40 years if NCR intends to cease operating as a facility with affordable housing restrictions. He remarked the Township government should not be in the real estate business or in the property maintenance business.

Councilman Fozman stated his concerns whether the land appraisal reflected an accurate value; spoke about the PILOT taxes and deed restrictions; he asked if they fix up the building does it increase the value of the land.

Kevin Starkey gave him an explanation on the deed restrictions stay in place for 40 years and the Township has the negotiated a right of first refusal if the mayor and council at the time chose to do so, but only in the event if NCR does not continue to maintain it as affordable housing. He gave him a brief explanation on "Administrative Services Charge".

Henry Mancini, Township Appraiser, answered no to Councilman Fozman's question on the land valuation. He said when you improve the physical building that would go to the building valuation not towards the land.

President deJong opened the public hearing on the resolution.

Sam Foster, 108 Teakwood Drive, asked if this property is at the same complex as the Conway Building.

Mayor Ducey replied yes and Kevin Starkey responded that property is owned by the Housing Authority.

Nan Coll, 18 Greenbriar Boulevard, stated her concerns that this should be a hearing not part of a council meeting; she asked for clarifications on few concerns she had with the building and taxes.

Kevin Starkey gave her a detail explanation of her concerns.

George Scott, 16 Queen Ann Road, asked for clarification on several of his concerns; he stated his displeasure with the sale of the land.

Kevin Starkey gave him a very detail explanation of all his concerns.

Clayton, 588 New Jersey Avenue, questioned the operating costs and revenue.

Steve Bodkin stated he did not have the information available.

Vic Fanelli, 24 Meadow Point Drive, questioned the tax credits and administrative services charge.

Kevin Starkey gave him an explanation on each.

There were no further comments from the audience.

President deJong closed the public hearing on the resolution.

Authorize Approval of PILOT Agreement with National Church Residences - OFF

Motion by Councilman Fozman and seconded by Vice President Crate to adopt the following Resolutions.

All Council Members voted AYE on Roll Call.

Recognize Childhood Cancer Awareness Month

President deJong stated this resolution recognizes September as Childhood Cancer Awareness Month as a way to spotlight the types of cancer that largely affect children, to help raise funds for research and family support and to remember the young lives that were taken too soon.

Authorize Insertion of Chapter 159 – 2018 Community Development Block Grant

President deJong stated this resolution authorizes the insertion of a grant in the amount of \$296,556.00 from the U.S. Department of Housing and Urban Development – Office of Community Planning and Development for the 2018 Community Development Block Grant.

Authorize Award of Bid – Purchase & Delivery – One Single Axle Dump Truck

President deJong stated this resolution authorizes the award of bid for the purchase and delivery of one single axel dump truck to Gabrielli Kenworth of NJ LLC, Dayton NJ in the amount of \$106,825.00. She said bid notices were sent to 61 bidders of which nine requested the bid package and one bid was received. She noted the purchase of this truck was approved in the 2018 capital budget.

Authorize Award of Bid – Purchase & Delivery – One 33 Cubic Yard Automated Sanitation Collection Vehicle

President deJong stated this resolution authorizes the award of bid for the purchase and delivery of one 33 cubic yard sanitation collection vehicle to Hunter Jersey Peterbilt, Clarksburg, NJ in the amount of \$271,499.00. She said bid notices were sent to 61 bidders of which four requested the bid package and one bid was received. She noted the purchase of this truck was approved in the 2018 capital budget.

Authorize Award of Bid – Purchase & Delivery – One Rear Loading Sanitation Collection Vehicle

President deJong stated this resolution authorizes the award of bid for the purchase and delivery of one rear loading sanitation collection vehicle to Hunter Jersey Peterbilt, Clarksburg, NJ in the amount of \$168,561.00. She said bid notices were sent to 61 bidders of which four requested the bid package and one bid was received. She noted the purchase of this truck was approved in the 2018 capital budget.

Authorize Change Order No. 2 Final – Riviera Beach Roadway Improvement Project

President deJong stated this resolution authorizes Change Order Number 2 Final for the Riviera Beach Roadway Improvement Project. She said in this change order, the contract issued to Meco, Inc will be decreased by \$20,750.00.

Authorize Award of Bid – CDBG Housing Rehabilitation Program Project #14-01

President deJong stated this resolution authorizes the award of bid for the a project within the Community Development Block Grant Housing Rehabilitation program to Pederson Construction, Brick, in the amount of \$8,435.00.

Authorize Award of Bid – CDBG Housing Rehabilitation Program Project #17-13

President deJong stated this resolution authorizes the award of bid for the a project within the Community Development Block Grant Housing Rehabilitation program to David Clark Construction, Bayville, in the amount of \$20,400.00.

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

Mayor Ducey stated this resolution authorizes the execution of a shared services agreement with the Ocean County Prosecutor’s Office Special Operations Group. He explained the Special

Operations Group is the Ocean County Gang, Gun and Narcotics Task Force which receives funding from the State of New Jersey and Local Law Enforcement Assistance Formula Grant Program. He advised the Township pays the salary of the one officer assigned to the special operations group and the County pays for any overtime costs incurred. He said the Police Chief has advised that the benefit to the Township is the additional resources they receive as part of this group. He said the Township receives a portion of any money collected into the forfeiture account.

Authorize Special Events Permit – Pet Blessing

President deJong stated this resolution authorizes a special events permit for a pet blessing/adoption/vendor fair on October 20th between the hours of 10 am and 2 pm at St. Paul's United Methodist Church on Herbertsville Road.

Authorize Placement of Tax Liens for Property Clean-ups

President deJong stated this resolution authorizes the placement of tax liens for property cleanups at 8 Cadiz Drive in the amount of \$383.10; 38 Adair Drive in the amount of \$90.16; 517 Glenwood Avenue in the amount of \$261.42; 23 Island Drive in the amount of \$90.16; 55 Serpentine Drive in the amount of \$69.39; 108 Taft Drive in the amount of \$32.69; and 71 Pleasant Avenue in the amount of \$376.93.

Authorize 2018-2019 Taxi Cab Business Renewals:

President deJong stated this resolution authorizes taxi cab renewal licenses to Ace Taxi Service, Brick Taxi and Mantoloking Taxi, LLC.

Authorize 2018 Motor Vehicle Selling License – Bricktown Motors – 438 Herbertsville Rd.

President deJong stated this resolution authorizes a motor vehicle selling license to Bricktown Motors, Herbertsville Road.

Requesting to Expedite Construction Funding for Projects associated with NJ Back Bays Coastal Storm Risk Management Study.

Mayor Ducey explained this resolution requests that regulatory agencies at the Federal and State level to expedite plans to conduct activities that will be outlined in the New Jersey Back Bays Coastal Storm Management Study. He advised the Study is expected to be completed in 2021 and construction contracts for projects needed to protect neighborhoods severely impacted by back bay flooding on a regular basis is not expected until the year 2026. He said this schedule is unacceptable and needs to be expedited.

Tax Collector:

Joanne Bergin advised the following:

- 100% Widow of DAV – Refund & Cancel Taxes – Block 378.22 Lot 26 in the amount of \$3,631.71.
- 100% DAV – Refund & Cancel Taxes – Block 382.09 Lot 1 in the amount of \$7,073.09.
- 100% DAV – Refund & Cancel Taxes – Block 677 Lot 1.03 in the amount of \$10,769.38.
- 100% DAV – Cancel Taxes for Block 869.41 Lot 12.
- 100% DAV – Refund & Cancel Taxes – Block 874 Lot 15.01 in the amount of \$7,103.24.
- Tax Overpayments – 2015 there is one in the amount of \$699.60.
- Tax Overpayments – 2018 in the amount of \$3,236.67.

President deJong opened the public hearing on the Resolutions.

John Sluka, 950 Sylvia Court, asked if addresses could be added to the Tax Collector agenda items.

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.

Councilman Fozman questioned the item on page 26 if the Township rented or purchased the the inflatables.

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Councilwoman Zapcic advised it was most cost efficient for the Township to purchase it, rather than rent. She advised this was approved in the capital budget.

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 Councilwoman Zapcic to adopt the following Resolution.

All Council Members voted AYE on Roll Call, except:

Councilwoman Zapcic ABSTAINED on NJ Press Media;

President deJong ABSTAINED on CME Associates.

2018 Computer Bill Resolution in the amount of \$2,629,436.73

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 Mummolo and seconded by Vice President Crate to adopt the following Resolution.

All Council Members voted AYE on Roll Call, except:

President deJong ABSTAINED on CME Associates.

2018 Manual Bill Resolution in the amount of \$1,723,160.41

Ordinance on First Reading: Amend Chapter 245 – Land Use – Village Zone

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

Mayor Ducey explained this Ordinance replaces the existing Mixed Use Overlay Zone. He advised the current zones are located at the former Foodtown site, Riverwalk Shopping Center, the triangle property located on Burrsville Road and Jack Martin Blvd and the property located behind the post office. He said the current mixed use overlay zone allows multi-family housing with some retail. He said one of his goals as Mayor was to get rid of multi-family type establishments. He said this Village Zone Ordinance establishes standards and regulations for the establishment of uses, structures and lots in this Zone. He said the Village Zone specifically applies to parcels along Herbertsville Road, Drum Point Road and Mantoloking Road. He explained the ordinance provides development standards that apply to new construction. He said the intent of the proposed zone is to revitalize older commercial areas while maintaining the neighborhood character and quality and to permit apartment units only in conjunction with a non-residential use or uses permitted in the zone. Permitted uses are specifically listed in the ordinance including retail business, professional offices, research and technology offices and facilities, sale of retail goods, restaurants and luncheonettes, and professional services establishments. He advised uses specifically prohibited in the zone include gasoline filling stations and automobile repair and auto-body shops. He advised this came about after the Township planners identified a trend in Board of Adjustment cases related to mixed use. He said the ordinance will legalize many structures which makes it easier for property owners with plans to upgrade or make improvements.

President deJong advised the proposed ordinance will be sent to the Planning Board for review and approval before the Second Reading and Public Hearing.

Councilman Fozman asked how will the property owners get notified of this Ordinance change.

Kevin Starkey responded notice will be sent via the newspaper and through the Township website and advised it is not sent individually to each property owner.

Mayor Ducey added they will be doing press releases and by means of social media.

Motion by Councilman Mummolo and seconded by Councilwoman Zapcic to adopt the following

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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, STATE OF NEW JERSEY, AMENDING CHAPTER 245
ENTITLED "LAND USE" AND CREATING A VILLAGE ZONE**

Ordinance on First Reading: Amending the Zoning Designation for Various Properties
Clerk Iannarone read the title of the Ordinance into the record.

President deJong explained this Ordinance amends zoning designation for the properties after reexamination of the Master Plan promoting the orderly growth and redevelopment of the Township.

Mayor Ducey advised this Ordinance includes all the properties that are involved with the Village Zone Ordinance.

Motion by Councilman Mummolo and seconded by Councilman Halloran 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 AMENDING THE ZONING DESIGNATION FOR VARIOUS
PROPERTIES ON THE ZONING MAP OF THE TOWNSHIP OF BRICK**

President deJong opened the public hearing portion of the meeting.

John Sluka, 950 Sylvia Court, read his letter regarding the parkway construction project and the need for a sound wall.

Sam Foster, 108 Teakwood Drive, said that he is happy about the replacement of the Ocean County Prosecutor.

Michele Spector, 808 Jenny Court, stated her displeasure the Turnpike Authority project; spoke about the detention basins and deforestation regarding the recent flood event.

Nan Coll, 18 Greenbriar Boulevard, spoke of the parkway project roadway changes.

Richard Gross, 29 Greenbriar Boulevard, spoke about the tick problem in his neighborhood.

Roxanne Jones, W. Princeton Avenue, said she was happy to hear the Township will be able to limit gas stations in certain areas with this new Ordinance and noted it is a quality of life issue.

Vic Fanelli, 24 Meadow Point Drive, questioned why the police promotions were not held at a council meeting.

Mayor Ducey responded that the Police Academy was starting before the next scheduled council meeting.

There were no further comments from the audience.

President deJong closed the public hearing portion of the meeting.

Mayor Ducey spoke about the regulations and the various zones in the Township.

Councilwoman Zapcic congratulated Colleen and Maya for their Kids for K9's events and for the monies they raised; she spoke about the upcoming BMAC Golf Tournament; she spoke of the NJ Spotlight Conference she attended.

Councilman Halloran congratulated Colleen and Maya for their event to support the Police K9 Unit and what a great job they did; he spoke about the recent Ma Deuce Deuce event.

Vice President Crate said she was proud of Colleen and Maya for their hard work on the Kids for

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K9's event along with getting donations and she thanked everyone for their support; she spoke about the Take5 Photo Challenge Contest on October 18th.

Councilman Mummolo congratulated Colleen and Maya on their event; he said he was happy the resolution for NCR was passed; he spoke about the upcoming Ocean County Italian Festival & Parade.

Councilman Fozman spoke about the "draft" ordinance he has prepared for single use plastic bags and straws and urged his fellow council members to support it.

President deJong gave an update on the Buy in Brick Program; she announced the upcoming Senior Outreach Health Fair at the VFW; she advised the Recreation Department are accepting donations of candy for the Trunk or Treat event; she thanked Colleen and Maya for the great job they did on the Kids for K9's event.

Motion by Vice President Crate and seconded by Councilman Halloran to Adjourn the meeting at 9:45 p.m.

All Council Members voted AYE.

Heather deJong
Council President

Lynnette A. Iannarone
Township Clerk