

February 26, 2019

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 7:05 p.m.

Present

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

Also Present

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

Absent

Councilman Paul Mummolo

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on February 8, 2019. 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, Engineering, Sewer & Water and Vital Statistics Reports for the month of January 2019.

Motion by Councilwoman deJong and seconded by Vice President Crate to dispense with the reading of the minutes of January 8, 2019 meeting and approve the same.

All Council Members voted AYE on Roll Call.

**Students of the Month – January**

Mayor Ducey and Vice President Crate recognized the Students of the Month for January 2019. Vice President Crate named the Brick Township High School Students of the Month and presented certificates to: Kaitlyn Goldsmith, Miguel Martinez-Gonzales, Devyn Finelli and Nicole Matuszewski. She also named and presented certificates to Brick Memorial High School Students of the Month: Isabella Jacobs, Isha Patel, Joseph DeGasperis, Faith Pagan, Daniel Gerard, Cynthia Lin, Zyhir Sweet and Sophia Mastroserio.

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

All Council Members voted AYE on Roll Call.

**Authorize Emergency Temporary Appropriations**

Joanne Bergin stated this resolution authorizes emergency temporary appropriations for the Municipal Budget as needed through the end of May. She explained this resolution allows the Township to increase line item department budgets by the amount specified which has been calculated to get all departments through to the time of the adopted budget. She advised the State budget deadline has been revised which gives municipalities more time to submit adopted budgets and these appropriations have been calculated based on the State's approved timeline.

**Authorize Refund from Police Road Job Account**

President Zapcic stated this resolution authorizes a refund from the police road job account in the amount of \$1,170.00 to Point 2 Point Global Security.

**Authorize Amendment to the Safe & Secure Grant Communities 2019 Grant.**

Councilwoman Pontoriero stated this resolution authorizes an amendment to the Safe & Secure Grant Communities Grant as previously approved. She said the amendment specifies that the grant will be applied towards the salaries of Safe & Secure officers and the Township will match the grant by covering the cost of fringe benefits. She explained these grant funds will be used to fund officers who will be assigned to patrol duties, burglary details, narcotic and gang activities. The officers are assigned to the Operations Division where they are involved in crime deterrence

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and the apprehension of criminals. She advised the officers are also responsible for the citizens of the Township by utilizing Community Crime Prevention Programs, Neighborhood Watch and Problem Solving Policing.

**Authorize Receipt of Bids – Rental & Laundry of DPW Uniforms, Rental of Floor Mats, Rags & Fender Covers**

Vice President Crate stated this resolution authorizes the receipt of bids for the rental and laundry of Department of Public Works uniforms, the rental of floor mats and rags as well as fender covers. She said in addition to the uniforms, the service includes providing on a weekly basis, exchangeable fender covers, exchangeable cloth weather mats in various sizes for mud and heavy traffic areas, and clean cloth wiping rags for mechanics as well as Municipal Complex maintenance personnel. She advised the Township rents these mats and every week they're picked up and exchanged for clean ones and laundered. She said in 2016, a three-year contract was awarded to American Wear, for the rental and service of DPW uniforms and to Aramark Uniform Services for the rental of floor mats, rags and fender covers, She noted by the end of the three-year contract period, the Township anticipates spending approximately \$89,095.00 for this contract.

**Authorize Award of Bid – Drainage Improvements to Baywood**

Mayor Ducey stated this resolution authorizes the award of bid for drainage improvements to Baywood in the amount of \$351,612.50 to Shore Top Construction. He said on February 12<sup>th</sup> the Township received bids for this project. He advised notices were sent to 63 potential bidders of which sixteen contractors responded and requested bid packages. He advised eleven bids were submitted with prices ranging from \$351,612.50 to \$675,576.00. he explained the project generally consists of drainage improvements to Cadiz Drive, Monterey Drive, Valencia Drive, Alhama Drive, Cartagena Drive and St. Lawrence Boulevard in the Baywood section of the Township and the work in this project will include drainage improvements, concrete curb and other associated work.

**Authorize Award of Bid – Purchase & Delivery of Aggregates & Asphalt**

President Zapcic stated this resolution authorizes the award of bid for the purchase and delivery of aggregates and asphalt to the following vendors in accordance with a schedule of prices: American Asphalt Company; Brickwall Corporation; Central Jersey Hot Mix Asphalt; R.M.V. Land & Livestock South; Stavola Construction Materials; Trap Rock Industries; and the Walter R. Earle Corporation. She said this is a unit price bid not to exceed \$500,000.00 per year with funds to be certified prior to each order. She advised this is a two-year contract commencing March 8, 2019 and ending on March 7, 2021 with prices remaining firm fixed for the duration of the contract. She said on February 14<sup>th</sup> the Township received bids for these materials. She said bid notices were sent to 22 prospective bidders of which eight picked up bid packages and seven bids were received. She advised bid proposals for each line item included delivery to the Department of Public Works as well as a pick up price at the bidder's plant. She said secondary contracts are being made for each category which will be used only when the primary contractor is not available for various reasons such as scheduled closings or weather conditions. She advised the current contract is a two-year contract which will expire on March 7, 2019. She advised the Township received a tie bid for Item 3a, Quarry Processed Stone Dust. A coin toss was performed to break the tie with the winning award for Item 3a to Trap Rock Industries

**Authorize Award of Contract – Entertainment & Production Services – 2019 SummerFest Program**

Mayor Ducey stated this resolution authorizes the award of contract to La Guardia Associates, in the amount of \$32,900.00 for Entertainment and Production Services for the 2019 Summerfest concert series. He announced this is the 25<sup>th</sup> Year for Summerfest and mentioned the scheduled concert dates.

**Authorize advice and consent for fair and open professional services contract – Municipal Prosecutor, Alternate & Conflict Prosecutor**

Councilman Halloran stated this resolution authorizes the following professional contracts: Municipal Prosecutor - Michael Burns, Esq., for the firm of Grace Marmero & Associates, at a rate of \$600 per court session; Alternate Prosecutor – Philip G. George, Esq. for the firm of Eric M. Bernstein & Associates and Edward G. Washburne, Esq., for the firm of McKenna, DuPont, Higgins & Stone, at a rate of \$600 per court session; and Conflict Prosecutor – Dominic P. DiYanni, Esq. for the firm of Eric M. Bernstein & Associates; and Edward G. Washburne, Esq.,

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for the firm of McKenna, DuPont, Higgins & Stone, at a rate of \$250 per court session.

**Authorize Change Order No. 1 Final – Roadway Improvements to Birchwood Park – Phase II**

Mayor Ducey stated this resolution authorizes a change order decrease in the amount of \$67,234.09 to the contract issued to Earle Asphalt Company. He said this change order represents an as-built quantity adjustment as needed to fully complete the Roadway Improvements to Birchwood Park Phase II project.

**Authorize Extension of Contract for Public Safety Uniforms**

Councilwoman Pontoriero stated this resolution authorizes the extension of the contract for Public Safety uniforms for 60 days as well as accepts the Samzies Uniforms Bill of Sale and Assignment and awards the contract to Galls, LLC. She advised Galls LLC has agreed to be bound to all terms and conditions set forth in the Public Safety Uniform Bid Contract and will honor and perform all obligations under the contract. She said the Township is proceeding with advertising for a new contract and needs 60 days to complete the bid process and authorize a new contract.

**Authorize Execution of Shared Services Agreement with County of Ocean – 2019 Pumpout Boat Program**

Councilman Halloran stated this resolution authorizes the execution of a Shared Services Agreement with the County of Ocean for the 2019 Pumpout Boat program. He explained this agreement provides for the operation and maintenance of two pump out boats, the “Bay Saver” and the “Bay Defender” to service the effluent discharge need of boaters in Brick Township waters. He advised to date, approximately 1.74 million gallons of effluent have been removed from over 83,200 vessels that otherwise could have been discharged directly into the Barnegat Bay. He said in the agreement, Brick will operate and maintain the boats and the County agrees to contribute a reimbursement based on an estimate of approximately \$20,000 for the two vessels.

**Authorize & Approve Shared Services Agreement between BTMUA and Borough of Manasquan**

Vice President Crate stated this resolution approves a Shared Services Agreement between the Brick Township Municipal Utilities Authority and the Borough of Manasquan to provide services of Water Distribution System and Sanitary Sewer Collection Maintenance Services on an as-needed basis. She advised in accordance with the Uniform Shared Services and Consolidation Act, any authority, such as the BTMUA, that is created by a government entity must get approval from the governing body any time they enter into a Shared Services Agreement.

**Authorize Class I Officers to attend Ocean County Police Academy**

Councilwoman deJong stated this resolution authorizes Vincent G. Rustico, Gianna M. Koval and Javier D. Lopez to attend the Ocean County Police Academy for the Class 1 Special Officer training.

**Authorize Person-to-Person Transfer of Plenary Retail Consumption License to HOP Brick, LLC t/a Houlihan’s**

Joanne Bergin stated this resolution authorizes a person-to-person transfer of a plenary retail consumption license issued to Brick Food, LLC trading as Houlihans to HOP, LLC., Brick, trading as Houlihans.

**Authorize Special Events Permit – St. Patrick’s Day Celebration – PJ Sweeney’s**

Mayor Ducey stated this resolution authorizes a special events permit for PJ Sweeney’s to conduct a St. Patrick’s Day event on March 16<sup>th</sup> and March 17<sup>th</sup> between the hours of 11 am and 10 pm at the restaurant on Brick Boulevard.

**Bond Releases/Reductions:**

Clerk Iannarone advised the following:

- Performance Bond Release – Mark Fusari – Mantoloking Road in the amount of \$91,997.98.
- Performance Bond Release – Ronald Caruso – Drum Point Road in the amount of \$203,991.83.
- Performance Bond Release – Randy Talamayan, M.D. – Robbins Street in the amount of

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\$9,960.91.

- Performance Bond Release – Paramount Plaza of Brick – Chambers Bridge Road in the amount of \$710,148.85.
- Inspection Fund Release – Bernard Lombardi, Jr. – Mantoloking Road in the amount of \$598.99
- Inspection Fund Release – Walters Residential LLC – Drum Point & Herbertsville Road in the amount of \$358.50.
- Inspection Fund Release – Northfield Construction Corp – Brick Boulevard in the amount of \$364.34.
- Inspection Fund Release – Drum Point Plaza – Drum Point Road in the amount of \$211.87.
- Inspection Fund Release – Ocean Care & Staffing Inc. – Route 88 in the amount of \$187.76.
- Inspection Fund Release – Alan J. Rotondi, DDS – Lanes Mill Road in the amount of \$381.75.

**Tax Collector:**

Joanne Bergin advised of the following:

- Tax Overpayments – 2018, there are two: Block 1077.86 Lot 5, in the amount of \$1336.75; and Block 645.01 Lot 87 in the amount of \$477.19
- Tax Overpayments – 2018 – 2019, Block 17.01 Lot 9 a total of \$10,010.74 for both 2018 and 2019.
- Tax Overpayments – 2019, Block 1108 Lot 3 in the amount of \$942.96.
- Redemption of Tax Sale Certificates: Block 1443.01, Lot 32; Block 869.23 Lot 2; and Block 812, Lot 5.
- State Tax Appeal Granted – Block 868 Lot 7 – 1820 Route 88 in the amount of \$1,309.64.
- State Tax Appeal Granted – Block 1149 Lot 5 – 1930 Route 88 in the amount of \$142,163.52, which is a two-year appeal.
- State Tax Appeal Granted – Block 1149 Lot 6 – Askin Road in the amount of \$31.27.

Councilman Fozman asked what the total tax appeals were for 2018.

Joanne Bergin stated she will get that information for him.

President Zapcic opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, commented great summary on resolutions.

Vic Fanelli, 24 Meadow Point Drive, asked for clarification on sending three special police officers to the police academy.

Mayor Ducey replied they are doing more with the special police officers and they have to attend the police academy.

There were no further comments from the audience.

President Zapcic closed the public hearing on the Resolutions.

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

All Council Members voted AYE on Roll Call, except:  
Councilwoman deJong ABSTAINED on CME Associates

**2019 Computer Bill Resolution in the amount of \$10,482,062.83**

Councilman Fozman questioned the \$12,750.00 dredging at Trader's Cove; he requested all ARH bills pertaining to Trader's Cove be emailed to him.

Joanne Bergin responded that was for ARH, professional firm retained for permits.

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

There were no comments from the audience.

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

Councilman Fozman stated according to the administrative code anyone who abstains must give reasons for their abstention.

Kevin Starkey responded the code says an abstention is to be counted as a positive vote unless reasons are given for the abstention; it does not require reasons to be given.

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

All Council Members voted AYE on Roll Call, except:  
Councilwoman DeJong ABSTAINED on CME Associates

**2019 Manual Bill Resolution in the amount of \$1,680,563.26**

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

There were no comments from the audience.

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

Motion by Councilwoman deJong and seconded by Councilman Halloran to adopt the following Ordinance:

All Council Members voted AYE on Roll Call

**Ordinance on First Reading: Create Chapter 340 – Prohibit Retail Sale, Cultivation, Manufacturing and Testing of Marijuana Products for Recreational Use within the Township of Brick.**

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

President Zapcic explained this ordinance prohibits the retail sale, cultivation, manufacturing and testing of marijuana products for recreational use within the boundaries of the Township of Brick. Once approved, the operation of marijuana retail establishments, marijuana cultivation facilities, marijuana product manufacturing facilities and marijuana testing facilities are hereby prohibited through the Township. She advised this ordinance is being presented by recommendation of the Council's Land Use Committee.

Councilman Fozman asked who is on the Land Use Committee.

President Zapcic replied Councilman Mummolo, Councilman Halloran and Vice President Crate.

Motion by Councilwoman deJong 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, except:  
Councilman Fozman ABSTAINED.

Councilman Fozman gave his explanation for abstaining on this Ordinance and suggested council consider a referendum to let the community decide.

President Zapcic 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 and the need for reforestation at Evergreen Woods and other surrounding areas.

Moshe Zeines, 112 Elmhurst Boulevard, Lakewood commented council provided great information on the resolutions. He stated he believed the Ocean County Freeholders asked all municipalities to introduce an ordinance banning the sale of marijuana. He asked if they would

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send the Ordinance to the county if it is adopted. He asked if Brick Township has thought about creating a stormwater management authority.

Mayor Ducey responded he has no interest in burdening taxpayers with extra dollars since they pay enough in taxes. He does not support this tax.

Nan Coll, 18 Greenbriar Boulevard, stated she is not here to support or not support the Ordinance, but to voice her opinion.

Major Brian McDonald, 175 Chambers Bridge Road, thanked everyone to open beaches to veterans. He commented it would be nice to be able to get a season pass.

Mayor Ducey responded take his DD214 to the DMV to receive an Veterans ID status on your license that's all he would have to show Recreation.

Vic Fanelli, 24 Meadow Point Drive, asked when the agenda went on the website and what is the legal requirement. He asked for clarification on abstaining.

Joanne Bergin apologized for the delay; it did not go up until Monday.

Clerk Iannarone responded there is no legal requirement that it be posted on the website.

Kevin Starkey explained they don't have to give a reason for abstaining; but if they don't give a reason it counts as a yes vote. He said if they are conflicted they should explain that and it would be counted as a negative vote.

Stephen Reid, Mayor of Point Pleasant Beach and Executive Director of NJ Ramp, a group that is basically fighting the legalization of recreational marijuana. He commended council on this Ordinance in putting their children and residents first and stated they are on the right path.

Stephen Brill, 806 Jenny Court, stated he does have documentation backing up the need for a soundwall in Evergreen Woods obtained through OPRA requests.

Michele Spector, 808 Jenny Court, stated she called the governor's office and wrote a letter regarding devastation to low income communities, health issues and sleep deprivation. She urged administration for help.

Hugh Giordano, 57 Argyll Avenue, Blackwood, NJ stated he is a union representative for United Food and Commercial Workers Union Local 152, representing supermarkets, warehousing, truck driving and also adult use cannabis workers. He said he finds this ordinance to be an attack on the working class, on the labor union and an attack on good jobs. He commented the ban is not the right thing. He stated banning this in Brick Township will bring in drug dealers. He gave statistics on cannabis workers.

Richie Campbell, Brick, spoke about marijuana as medication. He suggested they visit a facility before their final vote.

Roxanne Jones, Laurelton Apartments, commented if a woman uses marijuana it makes them very lethargic and opens them up for sexual assault. She stated they have enough problems with alcohol why do they want to introduce another substance.

Lefty Grimes, Bayonne, NJ, urged council not to pass this ordinance.

Mike V, Brick, spoke about his opiate addiction for a decade. He took cannabis to decrease the opiate usage. He urged council not to ban recreational marijuana.

Jeff Oakes, 60 Pemberton Avenue, Oceanport, NJ, stated he has stage 4 cancer and uses medical cannabis. He said he smoked all day; if he was drinking all day he wouldn't be able to attend the meeting. He stated alcohol leads to accidents; he can function smoking marijuana. He said the answer to overdoses is recreational cannabis.

John Edmonds, a recovering alcoholic and marijuana user; also a disabled veteran of Vietnam.

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He is pro medicinal marijuana which should be separated from recreational marijuana. He stated if they vote this into law then he would expect them to go dry next.

Jeff King, Eatontown, NJ, said he is against proposed ordinance to ban adult use and social use cannabis. He said it does perpetuate a stigma that is based in mistruths and racism; it's oppressive to poor people and thinks it is sad they would want to perpetuate that and not actually speak to the contrary and try to help people who have been harmed by the war on drugs. He said they need to look at alcohol as well.

Dimitri, Former Brick resident, stated he was arrested for cultivating here in the township and it ruined his life. He commented they are not educated enough to make this decision; get educated before making this decision.

Igor (inaudible) Hook, 20 Lagoon Drive, stated he's not going to tell you whether or not you should use marijuana; it's not his place. He said the medical use and recreational use are getting intertwined. He stated medical marijuana was the only thing that helped his uncle who recently passed away from MS. His issue is with the proposed site for the dispensary and the recreational use that's getting intertwined with it. He expressed his concerns with the proposed location. He has no problem with medical use.

President Zapcic closed the public hearing portion of the meeting.

Mayor Ducey stated they just received a water allocation permit based on the number of parks and athletic fields and this will allow them to water the fields and keep them in good condition; he gave an update on the Foodtown Site.

Councilman Fozman congratulated the students of the month. He urged council and the mayor to reach out to the Governor's office as he did regarding Evergreen Woods. He attended Rotary Comedy Night and the Bobby Buecker Foundation events. He asked if there was any new engineering report on Greenbriar I and if so he would like copy of the report when it comes in. He questioned why they could not get the budget booklet prior to March 12<sup>th</sup>.

Mayor Ducey stated they are waiting to make a formal request to find out why they have not been here to give a presentation as to the findings.

Joanne Bergin responded they are giving the budget booklets out the night of the meeting. She responded if they have them before the meeting they will hand them out.

Councilwoman Pontoriero thanked all the residents who came out tonight and let their voices be heard. She stated in the next two weeks they have the time to provide council with information and the ability to come to the meeting on March 12<sup>th</sup> and give their input.

Councilwoman deJong congratulated Students of the Month and updated Buy in Brick Program.

Councilman Halloran congratulated Students of the Month.

Vice President Crate announced Brick Garden Club meeting on March 11<sup>th</sup> for their annual membership drive. She said the Green Fair will be held on April 13<sup>th</sup> at Brick Township High School and the theme will be Make One Change.

President Zapcic thanked all for coming out. She commented they do not always have to agree with one another but the important thing is that everyone has the opportunity to politely and appropriately express their opinion.

Motion by Councilwoman Pontoriero and seconded by Vice President Crate to Adjourn the meeting at 9:00 p.m.

All Council Members voted AYE.

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Andrea Zapcic  
Council President

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Lynnette A. Iannarone  
Township Clerk