

April 30, 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 7:02 p.m.

Present

Councilman Jim Fozman
Councilwoman Marianna Pontoriero
Councilwoman Heather deJong
Councilman Paul Mummolo
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

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).

This meeting began with the salute to the flag followed by a moment of silence.

Motion by Councilman Mummolo and seconded by Councilwoman deJong to dispense with the reading of the minutes of March 12th and March 26th meetings and approve the same.

All Council Members voted AYE on Roll Call, except:

Councilwoman Pontoriero ABSTAINED.

80th Anniversary Edwin B. Forsythe National Wildlife Refuge

Mayor Ducey and Councilwoman deJong recognized the 80th Anniversary Edwin B. Forsythe National Wildlife Refuge. Mayor Ducey said the Township of Brick is home to a wealth of natural resources that enhance the reputation of the community and culture and Edwin B. Forsythe National Wildlife Refuge is one such treasure. He said over the last 80 years, the refuge has expanded to 14 townships in New Jersey, including the Township of Brick, encompassing nearly 48,000 acres and is home to saltmarsh birds, Piping Plover, fox, deer and much more. He said the 50-mile-long site boasts many trails and access to natural land to support the refuge's six priority public uses of wildlife observation and photography, hunting, fishing and environment education. He presented the proclamation to Virginia Rettig, Refuge Manager and proclaimed Saturday, May 4, 2019 to be Edwin B. Forsythe National Wildlife Refuge Day.

Councilwoman deJong presented a resolution to Virginia Rettig on behalf of the Township Council.

Virginia Rettig thanked Mayor Ducey and the Township Council for their recognition of the 80th Anniversary of the Edwin B. Forsythe National Wildlife Refuge.

Students of the Month – March

Mayor Ducey and Vice President Crate recognized the Students of the Month for March 2019. Vice President Crate named the Brick Township High School Students of the Month and presented certificates to: Samantha Colon, Joseph Cambria, Bradley Hynes and Qhais Osman. She also named and presented certificates to Brick Memorial High School Students of the Month: Gianna Battaglia, Emily LaFrance, Vincent Santaniello, Amber Bates, Evelin Vass, Justin Czajkowski, Hailey Dietz and Matthew Farnkopf.

Municipal Budget Hearing

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

All Council Members voted AYE on Roll Call.

Authorize Reading of the Budget by Title Only

President Zapcic stated she will entertain a motion to suspend the regular order of business to accommodate the budget hearing.

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Motion by Councilman Mummolo and seconded by Councilwoman deJong to suspend the regular order of business to accommodate the budget hearing:

All Council Members voted AYE on Roll Call.

Clerk Iannarone announced this is the time fixed for the public hearing for the 2019 Municipal Budget. The budget was introduced by the governing body on March 26, 2019 and was advertised in the Asbury Park Press and the Ocean Star on March 29, 2019 together with the notice of hearing for April 30, 2019 at this time.

President Zapcic stated anyone who has not secured a copy of the budget may do so now.

President Zapcic said this year's budget totals \$104,245,623.00. She reported this is an increase of \$1,166,818.00 in the tax levy which equals just under a penny on the tax rate and this equates to an increase in municipal taxes of approximate \$26.47 for the year for the average assessed home in Brick of \$294,100.00. She advised this year's budget uses \$8,546,711.00 of surplus as revenue. She noted it leaves a balance of over \$9.8 million. She stated every year they stress how important it is to have a healthy surplus balance - a healthy surplus balance shows the fiscal health of a community. It is not a savings account that should be dipped into to offset the amount to be raised by taxes - it is a part of the budget that requires replenishment, which is why fiscally sound municipalities like Brick Township apply no more than half towards the budget. She said the more they deplete, the more they need to raise in next year's budget. She said this year they experienced increased in the cost of gasoline, pension contributions and in the salary and wage budgets for dispatch, emergency medical services and police. She said all of these services are 24/7 operations and when they experience vacancies, they often need to fill the shifts on overtime and that creates unanticipated increases. She outlined the procedure for the public hearing and stated each person desiring to be heard will raise their hand, wait to be recognized, and come forward to the microphone, give his or her name and address for the record. She will recognize one speaker at a time. She stated they should address all questions to the chair; when necessary they will be referred to individual members of the governing body or municipal officials. She said questions must be confined solely to the municipal budget before us; school or county matters are not proper subjects of this hearing and cannot be discussed or answered here tonight.

Council President Zapcic opened the public hearing on the budget.

John Sluka, 950 Sylvia Court, spoke of the monies that are coming in from future development projects and said he realizes that it is not in hand and knows it not going into their years' budget but urged the Mayor and Council not to spend any of that money once it is received and asked for consideration to use it as a special rebate/assessment or a guarantee that next years' budget will decrease by the monies that will be collected; he spoke of other concerns with the budget.

Councilman Fozman stated that the \$5M loan from Sandy that was forgiven and approximately \$3.1M was saved to pay that \$5M; he stated his displeasure with \$1.5M that went into the budget and the rest the Mayor is using to pay down debt, which is \$1.6M and stated more money should have gone into to the budget so there would be a "zero" increase.

Nan Coll, 18 Greenbriar Boulevard, stated her displeasure with no discussion on the school taxes.

There were no further comments from the audience.

Motion by Councilwoman Pontoriero and seconded by Vice President Crate to Close the Public Hearing on the Budget.

All Council Members voted AYE on Roll Call.

Motion by Councilman Mummolo and seconded by Councilwoman deJong to Amend the 2019 Municipal Budget.

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

Authorize State Required Budget Amendment Resolution

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Councilman Halloran stated he has a resolution to present at this time Amending the 2019 Municipal Budget.

President Zapcic stated this amendment allows for the inclusion of three grants which they have received since the budget was introduced.

Clerk Iannarone read the Budget Amendment into the record in full.

President Zapcic opened the public hearing on the Budget Amendment.

There were no comments from the audience.

President Zapcic closed the public hearing on the Budget Amendment.

Councilman Fozman said as council they have the power to change the budget to a zero rate for relief of the taxpayers and he urged the council colleagues to take the portion needed to obtain a zero rate increase for this year. He made a motion to put the \$1.1M into the budget instead of paying down the debt – he asked for a second motion – there was no second motion.

President Zapcic questioned a few items on the surplus; she provided some statistics on debt and surplus history over the past several years and of the ramifications of not paying down the debt.

Maureen Laffey-Berg, CFO and Chuck Fallon, Township Auditor addressed her concerns.

Councilman Fozman spoke about and stated his displeasure with the solar field.

Maureen Laffey-Berg addressed his concerns with the solar field.

Motion by Councilwoman Pontoriero and seconded by Vice President Crate to Adopt the 2019 Municipal Budget.

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

President Zapcic announced the 2019 Brick Township Municipal Budget as Amended has been adopted.

Adoption of 2019 Municipal Budget as Amended

Motion by Vice President Crate and seconded by Councilwoman deJong to adopt the following Resolutions:

All Council Members voted AYE on Roll Call.

Recognize 80th Anniversary of Edwin B. Forsythe National Wildlife Refuge

Councilwoman deJong stated this resolution recognizes the 80th Anniversary of the Edwin B. Forsythe National Wildlife Refuge.

Authorize Receipt of Bids – Greenbriar 1 Roadway Improvements – Markham & Whitman Streets

Mayor Ducey stated this resolution authorizes the Division of Purchasing & Contracting to go out to bid for Greenbriar 1 Roadway Improvements for Markham & Whitman Streets.

Authorize Receipt of Bids – Whitman Street Phase II Culvert & Embankment Repairs

Mayor Ducey stated this resolution authorizes the Division of Purchasing & Contracting to go out to bid for Whitman Street Phase II Culvert & Embankment Repairs. He explained this is the second phase of the dam repair project that includes filling voids under the existing spillway pipe, removing a deteriorated invert section of the spillway pipe, forming a new invert with concrete and lining the entire length of the existing spillway pipe with concrete reinforced fiber. He advised the project scope has been approved by the NJ Division of Dam Safety and Flood Control is considered critical following the historic rain event from August 2018. He advised the Township is working with the Greenbriar Association to recoup costs through insurance.

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Authorize Award of Bid – Purchase & Delivery of 150-ft Steel Mono-Pole for Police Operations at 301 Brick Blvd

Councilwoman Pontoriero stated this resolution authorizes award of bid for the Purchase & Delivery of 150-ft Mono-Pole to Sabre Industries, Sioux City, IA for a total bid amount of \$41,070. She advised bid notices were mailed to four prospective bidders and two picked up bid packages with one bid was received. She explained the contract includes design, manufacture and delivery of all parts and mounts related to the 150' Communications Tower delivered to the Drum Point Sports Complex as well as a concrete foundation design for said tower. She said the Township will identify a state contract vendor to build the foundation once the design is complete. She advised soil testing was needed to confirm the foundation and the mounts and noted this project is funded through the 2017 Capital Budget.

Authorize Award of Bid – Manufacturing and Printing of Tax Bills

President Zapcic stated this resolution authorizes award of bid for the manufacturing and printing of tax bills to Vital Communications, Trenton. She noted this is a two-year contract not to exceed \$24,500.00 per year. She advised bid notices were mailed to 25 prospective bidders and six picked up bid packages and one bid was received. She noted Vital Communications has prepared and printed the bills for 2016, 2017 and 2018 tax years.

Authorize Award of Bid and Authorize Re-Bid – Summerfest Food Truck Vendors

Councilman Halloran stated this resolution awards a bid for Summerfest food truck vendors in six categories: Dellano Food Service, in the amount of \$750.00 for Pizza; Tony's Italian Sausage, in the amount of \$1,802.00 for hot food including sausage and cheesesteak; John & Debbie O's, in the amount of \$1,618.00 for grilled/fried items; You Scream Ice Cream, in the amount of \$1,750.00 for ice cream; Shore Fresh Catering, in the amount of \$1,300.00 for miscellaneous snacks; John & Debbie O's, in the amount of \$1,223.00 for miscellaneous snacks. He advised a notice to bidders was placed in the Asbury Park Press and on the Township website and in addition, 93 bidders were notified from the bidders list of which 14 potential bidders requested bid packages. He advised eight bids were received. He noted the Township established a minimum bid of \$750.00 per category. He advised this resolution also authorizes the Re-Bid for the remaining two categories to include Category 4 for deli (salad, sub, sandwiches, tacos, wraps) and Category 6 (specialty).

Authorize Award of Bid – Beer & Wine Garden Concession

Councilman Mummolo stated this resolution authorizes the award of bid for beer & wine concession to Three Boys Corporation, otherwise known as Windward Tavern, Princeton Avenue, Brick, in the amount of \$5,650.00. He noted there was an established minimum bid rate of \$5,600.00 to provide this service at the four (4) Summerfest events and the Fall Fest Event. He advised a notice to bidders was mailed to 25 potential bidders and three bidders requested bid packages and one bid was received.

Authorize Award of Bid – Mobile Ice Cream Truck

Vice President Crate stated this resolution authorizes the award of bid for an ice cream truck vendor to Cool Concessions, in the amount of \$1,255.00. She noted the Township established a minimum bid of \$500.00 for exclusive rights to both locations (Windward Beach & Traders Cove) or \$250.00 for either location. She said in this contract, the vendor agrees to visit each park daily from Memorial Day to Labor Day. She advised a notice to bidders was placed in the Asbury Park Press and on the Township website and in addition, 93 bidders were notified from the bidders list of which four potential bidders requested bid packages.

Authorize Sale of Surplus Property – Solar Renewable Energy Certificates (SREC's) and Class 1 Renewable Energy Certificates (REC's) Flettexchange.com Auction

Councilwoman deJong stated this resolution authorizes the sale of the Township's Solar Renewable Energy Credits and Class 1 Renewable Energy Certificates through a public auction. She said the Township of Brick intends to utilize the online auction services of Flett Exchange, LLC. She advised at this time, there are 115 Solar Renewable Energy Certificates from Township's rooftop and parking lot solar panels to auction on the Flett Exchange website and in addition, there is 8 Class 1 Renewable Energy Certificates from the wind turbine located at the Drum Point Sports Complex. She said in February of 2018, the Township utilized Flett Exchange, LLC for the sale of Solar Renewable Energy Certificates through public auction and received \$35,872.50.

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Authorize Sale of Surplus Property – Public Works Vehicles Auction 2019-2

Vice President Crate stated this resolution authorizes the sale of surplus property for a variety of public works vehicles no longer needed for public use. She said for this auction, they will utilize the services of US GovBid. She advised the NJ Department of Community Affairs has approved this company as a provider of online auction service for the sale of surplus property. She noted the last auction sale DPW vehicles netted \$242,653.00 in proceeds.

Authorize Sale of Surplus Property – Police and Forfeited Vehicles Auction 2019-3

Councilwoman Pontoriero stated this resolution authorizes the sale of surplus property for a variety of police and forfeited vehicles. She said for this auction, they will utilize the services of US GovBid. She advised the NJ Department of Community Affairs has approved this company as a provider of online auction service for the sale of surplus property. She noted the last auction sale forfeiture vehicles netted \$19,976.00

Authorize Re-Bid – Fireworks Exhibitions

Councilman Halloran stated this resolution authorizes the Re-Bid for Fireworks Exhibition. He advised a notice to bidders was placed in the Asbury Park Press and posted on the Township website and in addition nine bidders were notified from the bidders list and five bidders picked up bid packages. He said at the appointed date and time no bids were received.

Authorize Re-Bid – Fall Fest Food Vendor Concession

President Zapcic stated this resolution authorizes the Re-Bid for Fall Fest Food Vendor Concession. She advised a notice to bidders was placed in the Asbury Park Press and the Township website and in addition ten bidders were notified from the bidders list and 8 bidders picked up bid packages. She said at the appointed date and time no bids were received.

Authorize Change Order No. 1 – Final – Roadway Improvements to Laurel Crest

President Zapcic stated this resolution authorizes the final change order in the Roadway Improvements to Laurel Crest project. She advised the change order represents a decrease in the overall amount of the contract awarded to Mecco Inc. by \$28,736.76.

Authorize Award of Bid – CDBG Rehabilitation Housing Program Project #18-01

Vice President Crate stated this resolution authorizes the award of bid for Community Development Block Grant, Housing Rehabilitation program to David Clark Construction, Bayville, for a total bid amount of \$14,300.00. She advised bid notices were sent to 40 prospective bidders from the bidders list of which seven bidders picked up bid packages and two bids were received with David Clark Construction being the lowest responsive, responsible bidder.

Authorize Award of Bid – CDBG Rehabilitation Housing Program Project #18-07

Councilwoman deJong stated this resolution authorizes the award of bid for Community Development Block Grant, Housing Rehabilitation program to David Clark Construction, Bayville, for a total bid amount of \$16,100.00. She advised bid notices were sent to 40 prospective bidders from the bidders list of which seven bidders picked up bid package and three bids were received with David Clark Construction being the lowest responsive, responsible bidder.

Authorize Award of Bid – CDBG Rehabilitation Housing Program Project #18-10

Councilman Halloran stated this resolution authorizes the award of bid for Community Development Block Grant, Housing Rehabilitation program to Premier Property Management Services, Beachwood, for a total bid amount of \$22,010.00. He advised bid notices were sent to 40 prospective bidders from the bidders list of which seven bidders picked up bid packages and two bids were received with Premier Property Management Services being the lowest responsive, responsible bidder.

Authorize Placement of Tax Liens for Property Clean-ups

President Zapcic stated this resolution authorizes the placement of tax lien for a property cleanup at 1666 Route 88, Block 1170.01 Lot 2 in the amount of \$1,263.97.

Authorize Special Events Permit – Pet Adoption Day

Vice President Crate stated this resolution authorizes a special events permit for a Pet Adoption

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Day event on Saturday, May 18th between the hours of 10 am and 3:00 pm at St. Raphael's Church on Route 88 West and noted a rain date has been set for June 1st.

Authorize Special Events Permit – Fishing Tournament

Councilman Mummolo stated this resolution authorizes a special events permit for a Fishing Tournament event on Friday, June 14th between the hours of 5:30 pm and 9:00 pm at Wehrlen Brothers Marina on Princeton Avenue.

Bond Releases/Reductions:

Clerk Iannarone advised the following:

- Performance Bond Release – B-Tach, LLC – Route 70 & Forge Pond Rd in the amount of \$ 39,731.11.

Tax Collector:

Joanne Bergin advised the following:

- Tax Overpayments – 2019 – Block 134 Lot 15 in the amount of \$106.24
- Redemption of Tax Sale Certificate – Block 340 Lot 52.03.

Councilman Fozman asked questions on several of the resolutions.

Joanne Bergin addressed his concerns.

President Zapcic opened the public hearing on the Resolutions.

John Sluka, 950 Sylvia Court, asked for clarification on why the police need a 150' mono-pole; he questioned the dates for mobile ice cream truck

President Zapcic advised the mono-pole will be used for police tele-communications system and noted that it has to be high enough to reach out to the Barrier Island.

Joanne Bergin advised the ice cream truck is regulated during the summer months from Memorial Day through Labor Day.

Nan Coll, 18 Greenbriar Boulevard, brought up a point of order matter; she stated her displeasure with not receiving enough information on several of the resolutions.

There were no further comments from the audience.

President Zapcic closed the public hearing on the Resolutions.

Councilman Fozman had several questions on the Computer Bill Resolution.

Joanne Bergin and Kevin Starkey gave him an explanation on each.

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.

Motion by Councilman Mummolo and seconded by Councilwoman deJong 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 \$22,022,503.37

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.

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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 \$1,644,911.23

Ordinance on First Reading: Amend Chapter 288 – Parking Restrictions at Traders Cove Playground Parking Lot

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

President Zapcic explained this ordinance re-establishes a two-hour parking restrictions in the playground parking lot at Trader's Cove from May 15 through September 15 between the hours 7 am and 6 pm. She said this is being done to ensure that the parking lot is being used only for the facilities and amenities at Trader's Cove. She advised the parking restriction signs installed last year are currently covered and will remain covered until this ordinance takes effect and no violations will be issued until after this ordinance takes effect.

Councilman Fozman mentioned the signs were uncovered; he stated his displeasure with this two hour restriction.

Joanne Bergin advised the signs are covered and they will monitor that regularly.

Motion by Councilwoman Pontoriero and seconded by Councilman Mummolo 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 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 EXTEND THE RESTRICTIONS ON PARKING IN THE PLAYGROUND PARKING LOT AT TRADERS COVE THROUGH THE SUMMER MONTHS

President Zapcic opened the public hearing portion of the meeting.

John Sluka, 950 Sylvia Court, read this letter regarding the parkway construction project and the need for reforestation in many areas in Brick.

Bob Czekaj, 127 Royal Drive, pointed out the good aspects of the solar field and the roof top solar panels at town hall.

Carrie Maloney, 850 Marbro Avenue, spoke of the serious unsanitary conditions at Windward Beach Park and other parks and asked what action/steps the Township will take to clean up these parks.

Joanne Bergin advised they have one employee that goes to all the parks every day and that employee takes great pride in the effort that he does. She said they are unable to have someone at each park all day – every day to pick up things people neglect to do. She said they do put effort into park maintenance. She said they have a seasonal parks security in place and that employee is a retired police officer who can write tickets for violations not only he is pre-empted in talking with people and reminding them of the Ordinance and also is proactive in addressing problems.

Nan Coll, 18 Greenbriar Boulevard, urged the council to go back to having caucus meetings; spoke about the recent Twitter issue; spoke about the need for more open dialogue; stated her displeasure with having students of the month at a council meeting.

Roxanne Jones, W. Princeton Avenue, echoed the comments on the unsanitary conditions of the parks.

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There were no further comments from the audience.

President Zapcic closed the public hearing portion of the meeting.

Mayor Ducey spoke about the Green Fair and thanked all Civic organizations, the school and named all the Township staff that helped with this event; he announced some upcoming events.

Councilman Fozman congratulated the students of the month; he mentioned the various events he attended; he spoke on the Fallen Heroes event and thanked Mr. Duffy for the research he did on them; he stated his displeasure with the two hour parking limit at Traders Cove.

Councilwoman Pontoriero announced the upcoming events.

Councilwoman deJong congratulated Edwin B. Forsythe Wildlife Refuge on their 80th Anniversary and thanked Maureen for all of her hard work on the Budget.

Councilman Mummolo congratulated the students of the month; he gave koudos to Vice President Crate who put together the Fallen Heroes program that took place at Windward Beach.

Councilman Halloran wished everyone a Happy Mother's Day.

Vice President Crate announced there is a new set of Take5 Photo contest pictures on display at Town Hall; she spoke about the Fallen Heroes event and thanked all that came out and especially all that helped with this event; she announced some upcoming Library events.

President Zapcic congratulated the students of the month; she spoke of the three competitive programs that are run in house by the Recreation Department; she spoke about Debbie Graham who has been running the Girls Softball program first independently and then as a Recreation Department employee for 50 years was recognized with a plaque by the Recreation Department and noted she had the pleasure of working with her for many years and thanked her for her years of service.

Motion by Councilman Halloran and seconded by Vice President Crate to Adjourn the meeting at 9:10 p.m.

All Council Members voted AYE.

Andrea Zapcic
Council President

Lynnette A. Iannarone
Township Clerk