

May 14, 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 7:00 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.

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 April 2019.

Motion by Councilman Mummolo and seconded by Councilman Halloran to dispense with the reading of the minutes of April 9th meeting and approve the same.

All Council Members voted AYE on Roll Call.

Recognize Mental Health Awareness Month

President Zapcic called up Chief Riccio and the Community Policing Officers Brendan Barnes and Sean Flynn along with Captain Reinhard to recognize Mental Health Awareness Month. President Zapcic gave a brief history of the Opioid Use dating back to the Civil War. She read and presented the resolution to them.

Recognize National Emergency Medical Services Week

Mayor Ducey and Councilwoman deJong along with Robert Contreas, Captain Reinhard and EMT's recognized the Brick EMS Team. Mayor Ducey stated they have a great EMS team in Brick Township. He read and presented a proclamation to the team and proclaimed May 19 through 25 as National EMS Week. President deJong read and presented a resolution on behalf of Council.

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

All Council Members voted AYE on Roll Call, except:

Councilwoman deJong ABSTAINED on "*Authorize Insertion of Chapter 159 – 2019 Community Development Block Grant*".

Recognize Mental Health Awareness Month – May

President Zapcic stated this resolution recognizes May as Mental Health Awareness Month and gives them an opportunity to highlight the importance of mental health and learning the symptoms of mental illness in order to get help when it is needed. She said this resolution salutes the individuals and organizations that shine a light on mental health and substance use disorders, fight stigma, provide support, educate the public and advocate for equal care.

Recognize National Emergency Medical Services Week – May 19 – 25th

Councilwoman deJong stated this resolution honors the individuals who provide emergency medical services 24 hours a day 7 days of week here in Brick Township. She said every day the men and women who provide emergency medical services go *Beyond the Call*, which is this year's theme, to serve the residents by providing essential life-saving services with exceptional skill, compassion and dedication.

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Recognize Older Americans' Month – May

Councilwoman deJong stated this resolution recognizes May as Older Americans Month which both recognizes and celebrates the contributions of older Americans. She said this year's theme, *Connect, Create and Contribute*, encourages older Americans to connect with families, friends and services that support participation in activities that promote learning, health, and personal enrichment as well as programs that give seniors the opportunity to contribute their time, talent and life experience to benefit others.

Combination/Form and Sale Authorizing the Issuance of Bonds & Notes

Joanne Bergin stated this resolution provides for the details related to the sale of the Township's \$12,170,000 General Improvement Bond, Series 2019 and the \$14,850,000 Bond Anticipation Note, Series 2019. She said the Bond and Note will be sold and issued with the provisions of the Local Bond Law.

Authorize Acceptance – Cops in Shops Summer Shore Initiative 2019 Grant

Councilwoman deJong stated this resolution authorizes acceptance of the Cops in Shops: Summer Shore Initiative 2019 grant offered by the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control in the amount of \$3,520.00. She said grant funds are used towards initiatives that combat underage drinking.

Authorize Insertion of Chapter 159 – Recreational Opportunities for Individuals with Disabilities Grant – 2019

Vice President Crate stated this resolution authorizes the insertion of a grant in the amount of \$11,700.00 into the 2019 budget. She said the grant award is from the New Jersey Department of Community Affairs for the Recreational Opportunities for Individuals with Disabilities grant for 2019.

Authorize Insertion of Chapter 159 – Homeland Security Grant – 2019

Councilman Halloran stated this resolution authorizes the insertion of a grant in the amount of \$9,315.00 into the 2019 budget. He said the grant award is from the State of New Jersey Office of Homeland Security and Preparedness Homeland Security Grant. He reported the Brick Township Police Department uses these funds for equipment; this year's grant will fund dive equipment.

Authorize Insertion of Chapter 159 – 2019 Community Development Block Grant

Councilman Mummolo stated this resolution authorizes the insertion of a grant in the amount of \$299,207.00 from the U.S. Department of Housing and Urban Development Office of Community Planning and Development for the 2019 Community Development Block Grant. He said the funds received are administered for housing rehabilitation projects for applicants that meet eligibility criteria. He reported a portion of these funds are also used to support the great work being done by the social service agencies in the community.

Authorize Receipt of Bids – Roadway Improvements to Brower Dr. & Cranbury Cove Rd.

Mayor Ducey stated this resolution authorizes the receipt of bids for Roadway Improvements to Brower Drive and Cranbury Cove Road project.

Authorize Receipt of Bids – General Athletic Equipment & Supplies

Vice President Crate stated this resolution authorizes receipt of bids for general athletic equipment and supplies. She said the bid covers purchase and delivery of numerous categories of equipment including but not limited to athletic equipment, summer camp supplies, pre-school games, etc. used by the Recreation Department. She reported the Township had an approximate expenditure of \$22,200.00 during this current one-year contract period which will expire on June 12, 2019.

Authorize Award of Contract – Normandy Beach Outfall Pipe Replacement

Councilman Halloran stated this resolution authorizes the award of contract for the Normandy Beach Outfall Pipe Replacement project to Albert Marine Construction, Waretown, in the amount of \$15,369.00 Bid notices were sent to 38 potential bidders. He said 12 contractors responded and 6 bids were received with prices ranging from \$15,369.00 to \$119,200.00. He reported the project generally consists of replacement of 40 linear feet of ductile iron pipe into the Barnegat Bay at the Broad Avenue Right of Way at the Normandy Beach Clubhouse.

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Authorize Extension of Contract – Uniforms for Various Departments

Councilwoman deJong stated this resolution authorizes the extension of a contract with Dot Designing, Monroe Township, for uniforms for various departments. She said in May 2017 the Council awarded the contract to Dot Designing and will expire on May 23. She reported the Township is in need of a temporary 60-day extension to allow time to go out to bid and make a recommendation of award. She said all terms and conditions of the original bid contract will remain as awarded.

Authorize Extension of Contract – Janitorial Services

Councilman Mummolo stated this resolution authorizes the extension of a contract with All Clean Building Services for janitorial services. He said in May 2017 the Council awarded a two-year contract to All Clean Building Services for these services. He reported the current contract will expire on May 31, 2019. He said the Township is in need of a temporary 60-day extension to allow time to go out to bid and make a recommendation of award. He stated all terms and conditions of the original bid contract will remain as awarded.

Authorize Extension of Contract – Rental and Laundry of Public Works Uniforms

Vice President Crate stated this resolution authorizes the extension of a contract with American Wear, East Orange for the rental and laundry of DPW uniforms, purchase and delivery of T-shirts and miscellaneous shop supplies. He said In May 2016 the Council awarded a three-year contract to American Wear and Aramark for these services. He reported the current contract will expire on May 31, 2019. She said the Township is in need of a temporary 60-day extension to allow time to go out to bid and make a recommendation of award. She stated all terms and conditions of the original bid contract will remain as awarded.

Authorize Memorandum of Agreement – Police Benevolent Association Local 230

Joanne Bergin stated this resolution authorizes a memorandum of agreement with the Police Benevolent Association Local 230. She said this contract is a four-year agreement and includes a 3 percent total cost of contract increase.

Authorize Exempt Fireman's Certificate – Breton Woods Fire Company

Joanne Bergin stated the Township has been advised by Breton Woods Fire Company No. 1 that member Ron Ruggiero has served the required number of years as active fireman pursuant to N.J.S.A. 40A: 14-56. She said according to Brick Township Code, a member of a voluntary fire company in good standing is entitled to the exempt status and benefits that come to them through the Board of Fire Commissioners. She reported to qualify for the exemption; a firefighter must serve a total of 7 years of service and perform 50 percent of fire duty during that period.

Authorize Placement of Tax Liens for Property Clean-ups

Councilman Mummolo stated this resolution authorizes a placement of tax lien in the amount of \$573.41 at 74 Kettle Creek Drive.

Authorize Special Events Permits:

Fried and Furious

Councilwoman deJong stated this resolution authorizes a special events permit for the Chamber of Commerce to conduct a Fried and Furious Event on Saturday, June 1 between the hours of 10 am and 3 pm at the Brick Township High School Parking Lot. She said the event is a car show, food trucks with crafters and vendors.

NAPA Tool Show

Councilwoman deJong stated this resolution authorizes a special events permit for Van Wickle Auto Supply to conduct a Tool Show Event on Saturday, June 1 between the hours of 8 am and 6pm at 442 Brick Boulevard.

Marina Party

Councilwoman deJong stated this resolution authorizes a special events permit for a marina party and pig roast on Saturday, August 3rd between the hours of 1:30 and 9:30 pm at Jersey Shore Marina, 841 Route 70 East. She said a rain date has been set for August 4.

Scary Rotten Farms

Councilwoman 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

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September and October.

Bond Releases/Reductions

Clerk Iannarone advised the following:

- Inspection Fund Release – Riverview Paving – Van Zile Rd in the amount of \$1.00.

Authorize Tax Collector to Prepare & Mail Estimated Tax Bills

Joanne Bergin stated this resolution authorizes the tax collector to prepare and mail estimated tax bills for the Township's third quarter installment of 2019 taxes.

Tax Collector

Joanne Bergin advised the following:

- 100% DAV Refund & Cancel Taxes – Block 380.09 Lot 2.
- 100% DAV Refund & Cancel Taxes – Block 701.30 Lot 10.
- 100% DAV Refund & Cancel Taxes – 1192.12 Lot 1.
- Assignment of Tax Sale Certificate – Block 340 Lot 33.
- State Tax Appeal Granted – Block 852 Lot 1 – 1743 Route 88 in the amount of \$4,532.01.
- State Tax Appeal Granted – Block 852 Lot 2 – West Princeton Avenue in the amount of \$10,175.29 which is for 2013, 2014, 2015 and 2018.

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 if the grant money could be included in the budget for 2019 because they received the money or why.

Joanne Bergin responded that is correct, if they have at least a written commitment from the funding agency. She stated this money is already in the budget as it needed to be. She said in order to spend the money to get reimbursed they have to have the money up front.

Nan Coll, 18 Greenbriar Boulevard, stated her displeasure with not receiving enough information on the resolutions, i.e., grants, tax collector items and property cleanup information.

Joanne Bergin responded to her questions.

Vic Fanelli, 24 Meadow Point Road asked for an explanation and more information of the PBA Memorandum of Agreement.

Joanne Bergin addressed his concerns.

George Scott, 16 Queen Ann Road, had questions on several resolutions.

Joanne Bergin addressed his questions.

George Scott had questions on the tax bill resolutions.

President Zapcic stated she asked Maureen Laffey Berg the same questions and suggested he reach out to Maureen for a better explanation.

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 explained the answers to his questions.

Councilman Fozman had a question pertaining to joint liability workman's compensation.

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Kevin Starkey answered his question.

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 Councilman Halloran to adopt the following Resolution.

All Council Members voted AYE on Roll Call, except:
Councilwoman deJong ABSTAINED on CME Associates;
Councilman Mummolo ABSTAINED on Meridian Occupational Health

2019 Computer Bill Resolution in the amount of \$2,354,684.24

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 Councilman Mummolo 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 \$3,281,710.71

Ordinance on First Reading: Vacating a Portion of the Right-of-Way – Iroquois Drive

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

Councilman Mummolo stated this ordinance vacates a portion of a Township owned right of way on Iroquois Drive. He said the vacation request was reviewed and approved by the Council's Land Use Committee. He stated the resident who submitted the vacation request purchased property on both sides and intends to consolidate three lots and build a home. He said the property is in the Cedar Croft section and there is no public access at this location. He stated the property owner needs a CAFRA permit and the BTMUA needs an easement to access their utility; those are requirements of the vacation. He said as requested, the applicant provided a metes and bounds description.

Councilman Fozman asked if the metes and bounds were paid for by the property owner.

Kevin Starkey responded yes.

Councilman Fozman asked if the property is landlocked and are both surveys on the same street.

Councilman Mummolo said the property is landlocked and explained what the gentleman wants to build; he stated the property is not taxable but once vacated will be.

Kevin Starkey explained both surveys; the township does not own the property, it's just a right-of-way and it is split into the neighboring properties.

Motion by Councilman Mummolo and seconded by Vice President Crate 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 OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY VACATING A PORTION OF THE RIGHT-OF-WAY
KNOWN AS IROQUOIS DRIVE**

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

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

Vice President Crate 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 stated his displeasure with this two hour restriction saying it is useless and unenforceable.

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

President Zapcic opened the public hearing on the Ordinance.

Charles Bacon, 676 Thiele Road, had several questions on the ordinance. He stated concerns on how the ordinance was written; not directed at the people using the playground but those using the dock.

Joanne Bergin gave background information on this ordinance and stated it came from feedback from the marina staff. She stated people who are using the transient dock are using the parking.

Councilman Fozman stated there are 70 parking spaces at the marina.

Nan Coll, 18 Greenbriar Boulevard, said that she agrees with the comments made by Mr. Bacon.

President Zapcic closed the public hearing on the Ordinance.

President Zapcic opened the public hearing portion of the meeting.

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

Nan Coll, 18 Greenbriar Boulevard, stated she has become angry about how things are done at meetings.

Vic Fanelli, 24 Meadow Point Drive, expressed concerns with the PBA contract. He said mayor and council represent 100 percent of the people and he wants them to think about representing 100 percent of the budget; they need to be concerned with what people are paying, everything goes up and impacts contracts.

Sydney Nebus, 645 Summit Avenue, asked for an explanation of why BMX bikes were not going to be allowed at the skate park. She stated she has been riding BMX bikes for years and competes and said it is very hard to find a park that accepts them because some choose two wheels over four wheels; she spoke of the Incline Club that closed down that was a safe spot where people used skateboards, scooters, roller blades and BMX bikes; she suggested maybe they could establish times for the different recreational vehicles.

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President Zapcic stated the mixture of skates and bikes and scooters is a danger. She stated she is chairman of the recreation committee and will take it up with them and the risk manager to see if there is something they can do.

Melanie Briggs, Summit Avenue, commented on people wanting more information and the subject of the sound wall.

George Scott, 16 Queen Ann Road, spoke about bonds and notes. He stated there is a better way of doing things. He stated is displeasure with the Foodtown site not being on tax rolls.

Marcel Diaz, 49 Raleigh Road, referenced an email that was sent out to everyone and the answers he received back. He felt there were inaccuracies in what was responded back. He read a letter from their attorney dated March 6 stating his clients have decided to forego a request for a medical marijuana dispensary and will limit its request to cultivating and manufacture of marijuana which is a permitted agricultural use; they therefore ask that this matter be transferred to the planning board. He asked if that was not a withdrawal. He asked if there was any resolution to the zoning code for the facility.

President Zapcic stated what she said was the application was never formally withdrawn.

Kevin Starkey explained what actually happened is that the applicant's attorney asked that the medical marijuana facility that was pending before the zoning board be transferred to the planning board. He said the planning board did not know if it had a jurisdiction but there were two applications pending so he was asked to withdraw his zoning board application and the planning board would make a determination on the second one. He stated there has been an application pending although it is different than the one that was originally filed. He said there is a pending application hearing before the zoning board on May 30.

President Zapcic asked if the neighbors would be noticed again and stated the May 30 date is not on the website.

John Sluka spoke of an Autism Ride on June 22. He stated he did get invited to a meeting at the end of the month pertaining to the wall.

There were no further comments from the audience.

President Zapcic closed the public hearing portion of the meeting.

Mayor Ducey announced several upcoming events. He gave an update on the SportsDome, waiting for Ocean County Soils, developer is waiting a response; wetlands, MUA then Ocean County Planning Board and then will submit for CAFRA. He said the SportsDome developer is working with the developer of the stores in the front although the SportsDome wants to be open first and the developer in the front for the stores is ok with waiting a few years.

Councilman Fozman questioned if the storefronts are applying for permits as well.

Mayor Ducey stated it is a joint application so they decided to use the SportsDome's engineer so that who is doing all the work so he's doing it for both.

Councilman Fozman asked what the procedure was if a township employee is involved in an accident involving a township vehicle.

Joanne Bergin responded the procedure is the same.

Councilman Fozman stated he attended the Warren Wolf Scholarship Dinner and fundraiser to raise money for graduating classes of both high schools. He also attended the Holocaust Memorial at Temple Beth Or.

Councilwoman deJong gave a Buy in Brick update.

Councilman Mummolo attended the Senior Citizen Prom. He reminded people to change their smoke alarm batteries.

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Councilman Halloran thanked the officers who take the time to recognize issues with mental health in their workday jobs; lots of times behaviors are misread and accidents happen. He also thanked the EMS for how quickly they respond and how caring they are in their actions.

Vice President Crate announced the Mike Fowler Community Garden at the Havens Homestead has 6 plots available. She said they are \$20 per plot and they are 4x8 raised beds from May 1 to October 31. Applications are on line under the Land Use heading.

President Zapcic thanked everyone for coming out tonight and she thanked the Police Officers and EMS. She stated she will absolutely talk to the recreation committee and let her know the outcome of the skate park versus the BMX bikes.

Joanne Bergin congratulated Captain Reinhard for celebrating 25 years with Brick Township.

Motion by Councilman Mummolo and seconded by Councilman Halloran to Adjourn the meeting at 9:08 p.m.

All Council Members voted AYE.

Andrea Zapcic
Council President

Lynnette A. Iannarone
Township Clerk