

February 25, 2020

A Caucus/Public meeting of the Township Council was held in the Municipal Building at 7:00 p.m. and was called to order at 7:00 p.m.

Present

Councilwoman Andrea Zapcic  
Councilman Vince Minichino  
Councilwoman Heather deJong  
Councilwoman Marianna Pontoriero  
Council President Lisa Crate

Also Present

Kevin Starkey, Township Attorney  
Lynnette A. Iannarone, Township Clerk  
Joanne Bergin, Business Administrator

Absent

Mayor John G. Ducey  
Councilman Paul Mummolo

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on January 7, 2020. 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.

Motion by Councilwoman Zapcic and seconded by Councilman Halloran to dispense with the reading of the minutes of January 14, 2020 and approve the same.

All Council Members voted AYE on Roll Call.

**Students of the Month – January**

President Crate and Vice President Halloran recognized the Students of the Month for January. President Crate named the Brick Memorial High School Students of the Month and presented certificates to: Victoria Nicol, Jenna Czajkowski, Siobhan Collis, Paul Mazzeo, Kyleigh Brunotte, Lukas Beerman, Ashly Assante and Ryan Zweir. She also named and presented certificates to Brick Township High School Students of the Month: Paige Nelson, Brianna Harvey, Jessica Wicker and Kurt Harriott.

Motion by Councilwoman Pontoriero and seconded by Councilman Minichino to adopt the following Resolutions.

All Council Members voted AYE on Roll Call.

**Recognize Youth Art Month – March**

Councilwoman Zapcic stated this resolution recognizes March as Youth Art Month and is in support of the Brick Township Public Schools who will be celebrating Youth Art Month and will hold a special District Arts Festival on March 4. She said the Festival will be held at Brick Township High School and will showcase innovative K-12 programming from all Brick Township Public Schools' visual and performing arts departments, with artwork from every public school in display, presentations and workshops along with musical, dance, drama and vocal performances.

**Authorize Emergency Temporary Appropriations**

Councilman Minichino stated this resolution authorizes Emergency Temporary Appropriations for the Municipal Budget as needed through the end of May. He said 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.

**Authorize Acceptance of 2020 Census Grant**

Councilwoman Zapcic stated this resolution authorizes the receipt of a grant from Ocean County and the NJ Department of State's 2020 Complete Count Commission in the amount of \$14,450.00. She advised this grant will be used to support the goal of a complete count in the 2020 Census by supporting outreach events that will take place during the months of March and April throughout the community with a focus on traditionally "Hard to Reach" populations. She said a complete Census count is critical to insuring appropriate representation at the state and federal levels and to support our effort to receive appropriate funding or the next ten years.

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**Authorize Receipt of Bids – Printing Services**

Councilwoman deJong stated this resolution authorizes the receipt of bid for the printing of various township forms used by all departments, such as letterhead, envelopes, business cards. The current two-year contract will expire May 20, 2020. She noted to date they have spent \$30,000.00 with five awarded vendors.

**Authorize Receipt of Bids – Demolition & Secure Property at 472 Irisado Drive**

Vice President Halloran stated this resolution authorizes the receipt of bids for the demolition and to secure the property at 472 Irisado Drive as per a recommendation from the Township's Property Maintenance Board.

**Authorize Receipt of Bids – Demolition & Secure Property at 250 Riverside Drive North**

Councilwoman Pontoriero stated this resolution authorizes the receipt of bids for the demolition and to secure the property at 250 Riverside Drive North as per a recommendation from the Township's Property Maintenance Board.

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

Councilman Minichino stated this resolution authorizes the award of bid for the purchase and delivery of one 33 cubic yard Automated Refuse Collection Vehicle, a 2020 Peterbilt 520, to Hunter Jersey Peterbilt at a cost of \$284,945.00 including the extended warranty. He said notices were sent to seventy bidders on the bidders list and seven bidders requested bid packages of which Hunter Jersey Peterbilt was the lone, responsible bidder. He noted the purchase of this truck was approved in the 2019 Capital Budget.

**Authorize Award of Bid – Purchase & Delivery of One 29 Cubic Year Rear Loading Collection Vehicle.**

President Crate stated this resolution authorizes the award of bid for the purchase and delivery of one 29 cubic yard rear loading Refuse Collection Vehicle, a 2021 Peterbilt, to Hunter Jersey Peterbilt at a cost of \$205,699.00 including extended warranty. She said notices were sent to seventy bidders on the bidders list and six bidders requested bid packages of which Hunter Jersey Peterbilt was the lone, responsible bidder. She noted the purchase of this truck was approved in the 2019 Capital Budget.

**Authorize Award of Contract – Entertainment & Production Services for 2020 Summerfest Concerts**

Councilwoman Zapcic stated this resolution authorizes the award of contract to LaGuardia Associates in the amount of \$29,650.00 for Entertainment and Production Services for the 2020 Summerfest concert series.

**Authorize Award of Contract – Support & Maintenance of the New World Public Safety Software Suite.**

Councilwoman Pontoriero stated this resolution authorizes an award of contract to Tyler Technologies in the amount of \$142,739.35 to provide maintenance and support services for the New World Public Safety Software Suite used by the Police Department. She advised this service falls under N.J.S.A. 40A:11-5 of the Local Public Contracts Law as an approved exemption which allows for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software.

**Authorize Award of Contract through State of New Jersey Cooperative Purchasing Program for Park Equipment**

Councilwoman Zapcic stated this resolution authorizes the award of contract through the State of NJ Cooperative Purchasing Program for equipment for the new Bayside Park, including shelters, playground equipment, and rubber mulch safety surface. She noted the total amount for these contracts is \$216,358.88.

**Authorize Award of Contract through State of New Jersey Cooperative Purchasing Program for Sign Boxes - Civic Plaza**

Vice President Halloran stated this resolution authorizes the award of contract through the State of NJ Cooperative Purchasing Program for sign boxes to be installed at Civic Plaza. He said the contract includes 13 sign boxes and hardware to Franklin Griffith Electrical Supply Company,

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Trenton, in the amount of \$38,974.97.

**Authorize Acceptance of Donation from CSD Kitchen and Bath NJ, LLC – Police Department Renovation**

Councilman Minichino stated this resolution authorizes the acceptance of a donation and installation of kitchen cabinets and countertops by CSD Kitchen and Bath NJ LLC, Brick, to be used in the renovation of the Brick Township Police Department. He noted the value of this donation is \$4,359.11.

**Authorize Addition to the Alternate Prosecutor Pool**

Councilwoman deJong stated this resolution authorizes the addition of James Grace, Esq., of the firm Grace, Marmero & Associates, LLP to be added to the Alternate Prosecutor Pool.

**Authorize Appointment to the Board of Adjustment**

Vice President Halloran stated this resolution authorizes the appointment of Mark Starr as an Alternate II Member of the Board of Adjustment.

**Authorize Execution of Agreement – Life Guard Services for Curtis Point Property Owners Association and Mantoloking Shores Beach**

Vice President Halloran stated this resolution authorizes an agreement with the Curtis Point Property Owners Association and Mantoloking Shores Beach for lifeguard services for the 2020 summer season. He advised in this agreement, the Associations will reimburse the Township for the use of our guards.

**Authorize Extension of Plenary Retail Consumption License to Landry's, LLC**

Councilwoman Zapcic stated this resolution authorizes the extension of Plenary Retail Consumption License issued to HOP Brick LLC to Landry's LLC, as designated purchaser, pursuant to an Order issued by the United States Bankruptcy Court. She advised Houlihan's Restaurants and its affiliated entities including HOP Brick LLC filed a voluntary petition for bankruptcy in accordance with applicable United States bankruptcy laws seeking relief under Chapter 11 of the United States Bankruptcy Code. She said on December 21, 2019, the Bankruptcy Court approved an Asset Purchase Agreement by and between HRI and Landry's LLC and recognized Landry's as the designated purchaser of the assets of HOP Brick LLC including this plenary retail consumption license.

**Authorize Adoption of Title VI Non-Discrimination Policy**

Councilwoman deJong state this resolution authorizes the adoption of a Non-Discrimination Policy in accordance with Title VI of the Civil Rights Act of 1964 in connection with the operation of Brick Township's Senior Transportation Program as required by the grant funding from NJ Transit. Title VI prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance. The Township of Brick is committed to ensuring that no person shall, on the grounds of race, color, national origin be excluded from participation or denied the benefits of services.

**Authorize Special Events Permit – Mantoloking Ale House St. Patrick's Day Event**

Councilman Minichino stated this resolution authorizes a Special Events permit for Mantoloking Ale House to conduct a Saint Patrick's Day event from 11 am to 7 pm on March 14<sup>th</sup> at the restaurant on Mantoloking Road.

**Authorize Special Events Permit – PJ Sweeney's St. Patrick's Day Event**

Councilwoman Pontoriero stated this resolution authorizes a Special Events permit for PJ Sweeney's to conduct a St. Patrick's Day event on 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

- Authorize Denial for Release of Performance Guarantees-New Visions Phase 2-This resolution authorizes the denial for a release of the performance guarantees for Nobility Crest/New Visions Phase 2. At the request of the applicant, our engineering department conducted an inspection of site improvements to ascertain the status of improvements by the Performance Guarantees. Brick Township ordinance requires as-built drawing be submitted before the guaranty is considered for release. As each partial release is

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applied for, as-built drawings of the bonded improvements shall be submitted to the Township Engineer. The as-built plans have not been submitted and therefore, no release can be approved.

- Authorize Denial for Release of Performance Guarantees-New Visions Phase 3-This resolution authorizes the denial for a release of the performance guarantees for Nobility Crest/New Visions Phase 2. At the request of the applicant, our engineering department conducted an inspection of site improvements to ascertain the status of improvements by the Performance Guarantees. Brick Township ordinance requires as-built drawing be submitted before the guaranty is considered for release. As each partial release is applied for, as-built drawings of the bonded improvements shall be submitted to the Township Engineer. The as-built plans have not been submitted and therefore, no release can be approved.
- Site & Safety Bond Release – Two Farms Inc. – Route 88 in the amount of \$1,200.00.
- Inspection Fund Release – Auto Image & Security – Chambers Bridge Road in the amount of \$220.00.
- Performance Bond Release – Shlomo Teren – Industrial Parkway in the amount of \$8,118.76.
- Performance Bond Reduction – Artis Holdings, LLC – Jack Martin Boulevard that the bond be reduced to \$365,612.39 and the cash bond be reduced to \$40,623.60.

**Tax Collector:**

Joanne Bergin advised the following:

- Tax Overpayments – there are two for 2015.
- Tax Overpayments – there is one for 2016.
- Tax Overpayments – there is one for 2017.
- Tax Overpayments – there are seven for 2018.
- Tax Overpayments – there are four for 2019.
- Tax Overpayments – there is one for 2020.

President Crate opened the public hearing on the Resolutions.

Sam Foster, 108 Teakwood Drive, questioned the donation to the police department renovation; he asked for the total cost of the renovation.

Joanne Bergin addressed his concerns and noted there was a budgeted amount approved in the 2019 Capital Budget; she advised the work is being done by the Township's In-House Construction crew and advised the estimation would save significant amount verses outside contractors.

George Scott, 16 Queen Ann Road, spoke about the significant savings as oppose to using an outside contractor for the police department renovation; he commented on several resolutions; he stated his concerns with not enough competitive bidders with the Refuse Collection vehicles; he stated his displeasure with the Township having to purchase the sign boxes.

Joanne Bergin addressed his concerns with the Refuse Collection vehicles.

Vic Fanelli, 24 Meadow Point Drive, also stated his concerns with Refuse Collection Vehicles and suggested in the future to find out why the companies that received bid packages did not bid.

There were no further comments from the audience.

President Crate closed the public hearing on the Resolutions.

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

George Scott, 16 Queen Ann Road, stated his concerns with the Starkey bills specifically the amount of phone calls from a council member to the firm.

There were no further comments from the audience.

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

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Motion by Councilwoman Pontoriero and seconded by Councilwoman Zapcic to adopt the following Resolution.

All Council Members voted AYE on Roll Call; except:  
Councilman Minichino ABSTAINED on Teamsters; and  
Councilwoman deJong ABSTAINED on CME Associates

**2020 Computer Bill Resolution in the amount of \$9,636,353.48**

President Crate opened the public hearing on the Manual Bill Resolution

There were no comments from the audience.

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

Motion by Vice President Halloran and seconded by Councilman Minichino to adopt the following Resolution.

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

**2020 Manual Bill Resolution the amount of \$1,742,975.56**

**Ordinance on First Reading: Authorize Acceptance of the Donation of Property – Block 1428 Lot 2**

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

Vice President Halloran explained the Township Council's Land Use Committee reviewed and approved the acquisition by donation for this property known as Block 1428 Lot 2 for no consideration. This property is adjacent to a recreational area.

Motion by Councilwoman Pontoriero and seconded by Vice President 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.

**ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN AND STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF PROPERTY KNOWN AS BLOCK 1428, LOT 2 FOR NO CONSIDERATION**

**Ordinance on First Reading: Amend Chapter 168 – Engineering Permits/Standards**

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

Vice President Halloran explained the Township Council's Land Use Committee reviewed and approved the introduction of this ordinance to update three areas in the engineering permits and standards code. He said this amended ordinance includes reference to commercial parking lot improvements, which is currently under four different township divisions. He said including the reference to commercial parking lot improvements puts them all in one place, making it easier for applicants and the engineering department. He said additionally, this ordinance establishes a minimum bulkhead elevation of four feet and requires a permit prior to the start of construction on any retaining wall over eight inches tall, as opposed to 30 inches. He noted this height modification is consistent with the Township's zoning requirement.

Motion by Councilwoman Pontoriero and seconded by Councilman Minichino 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.

**ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 168 OF THE TOWNSHIP CODE ENTITLED "ENGINEERING PERMITS AND STANDARDS"**

President Crate opened the public hearing portion of the meeting.

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Robert Palmisano, 525 Broad Avenue, said he reviewed the ACT Engineers website and it looks like they have no experience in any mitigation type work and questioned why the Township picked them and if it is not required that type of work go out to bid or is the Town allowed to select one firm; he reiterated his concerns with their lack of knowledge.

Joanne Bergin responded they have a similar project going on for dredging and ACT was recommended by other municipalities that were doing large scale dredging and they met and spoke with them about their experience and background as it related to dredging and ACT spoke of their comparable projects that they were working on for other municipalities not only dredge related but also flooding related. She advised they did retain them to do the town-wide dredge and noted they have done an exceptional job at gathering the data, doing all the necessary survey work, communicating with residents, working with the State agencies that are involved and issuing of these permits along with the feedback they have received from the State and residents have been all positive; she explained the qualification process for the pool of professionals done at the first council meeting of the year which helps with projects that come up throughout the year which helps the timeline layer of going out to bid, getting proposals and a more formal process that would set back the time table which you try to avoid when you are need to move more quickly.

Sam Foster, 108 Teakwood Drive, stated his pleasure with the way the meetings are being run; he questioned will stun guns be issued to all police including specials; he mentioned Toms River has ADA Meetings will Brick considered having them also.

Joanne Bergin replied the tasers will not be issued to special police only 37 of the police officers have them now; she advised Tara Paxton is the ADA Liaison and will talk with her regarding a public committee.

Ken Solan, 511 Broad Avenue, questioned once all the data is collected and the proposals evaluations are done with regards to the flooding what are the next steps;

Joanne Bergin responded there was a second proposals to submit grant applications to NJOEM and FEMA. She advised one application is due November 30<sup>th</sup> so ACT's plan is to have enough data and information together to be able to submit and comprehensive applications specifically in that second proposal and noted everything they do in terms of funding requests hinges on the score.

Adam Nalven, 708 Tanager Way, spoke and went into detail on the ongoing flooding issues on his property.

Kevin Starkey advised he is familiar with the issue and has met with Mr. Nalven along with the Township Engineer and explained the detention basin is contributing to the problem; he advised to set up a meeting between him and the engineer to go over the proposals and a potential solution of what the cost will be.

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

Beth Dorer, 545 Broad Avenue, thanked Administration for getting ACT Engineers all lined up; she mentioned the Township should ban together with the other Townships who have property on the barrier island and use that power when FEMA is approached with the study; spoke of the LIDAR study; she asked when is the Township responsible for drainage in low lying areas and when do they and landowners become responsible for the grading of their land.

Kevin Starkey said he did not know if there is a specific answer on that other then public entities are responsible for their land and the same for private owners and noted that you really can't divide it up like that and say here is where it ends.

Donna Delanoy, 98 Seagoin Road, said her neighborhood has been flooding since 1993; she questioned if the survey is being conducted in all of the flooding areas.

Joanne Bergin responded yes and will keep her posted.

Melanie Briggs, Summit Avenue, stated her concerns with the recycling grant monies and stated

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her displeasure with some aspects of the grant; she stated her displeasure that residents have to pay for additional and/or replacement recycling cans.

Joanne Bergin and President Crate and Councilwoman Pontoriero addressed her concerns.

Vic Fanelli, 24 Meadow Point Drive, asked for an explanation of what the Township policies regarding an article from a State Investigation regarding payouts for longevity, annual buy backs, terminal leave.

Joanne Bergin responded they generally follow the contracts and have made a significant change specifically to the payouts that used to occur. She advised changes have been made from 2005 and forward. She advised there are advance payouts for people who remain eligible for those and said they cannot go back in time and change prior agreements. She noted that the sick time payouts are capped off.

Kevin Starkey advised the longevity payouts is not a decision made by the Township that is the State Pension Division makes the decision as to whether or not that type of pay is included as a pensionable amount.

There were no further comments from the audience.

President Crate closed the public hearing portion of the meeting.

Joanne Bergin said tonight the Mayor is at the NJ Rec & Parks Association Award Dinner where Brick Township is receiving two very prestigious awards -1<sup>st</sup> Place Award for Multi-Use Park for Bernie Cooke Park and in the marketing category the Recreation brochure for it's exceptional design and content and noted that brochure is all done in-house by our Public Information Officer, Ed Moroney.

Councilwoman Zapcic thanked Mrs. Bergin for speaking of those two awards; she spoke about the upcoming Art Festival at BTHS on March 4<sup>th</sup>.

Councilman Minichino congratulated the students of the month.

Councilwoman deJong announced the upcoming Senior Outreach St. Patrick's Celebration on March 17<sup>th</sup>.

Councilwoman Pontoriero acknowledged Councilwoman Zapcic, Chair of the Recreation Committee for all her input on the Bernie Cooke Park; she also acknowledged Joanne Bergin for her outstanding work for the flooded areas of Brick; she announced some upcoming Neighborhood Watch Meetings.

Vice President Halloran congratulated the students of the month.

President Crate said the recycling coordinator has advised Earth Day turns "50" and she would like to pair up with the Brick schools and invite them to participate in creating one or more bulletin boards in their schools to come up with a theme of Earth Day celebrating "50" she provided more particulars on that event; she spoke about the Brick Recreation Youth Service Program.

Motion by Councilwoman Pontoriero and seconded by Councilman Minichino to Adjourn the meeting at 8:38 p.m.

All Council Members voted AYE.

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Lisa Crate  
Council President

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Lynnette A. Iannarone  
Township Clerk