

September 21, 2015

A combined Caucus/Public meeting of the Township Council was held in the Municipal Building at 7:00 p.m. and was called to order at 7:01 p.m.

Present

Councilwoman Andrea Zapcic
Councilwoman Susan Lydecker
Councilman Jim Fozman
Vice President Heather deJong
President Paul Mummolo

Also Present

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

Absent

Councilman Bob Moore
Councilwoman Marianna Pontoriero

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press on January 9, 2015. 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 Certificates of Occupancy, Building, Engineering, Sewer & Water and Vital Statistics Reports for the month of August, 2015.

CERT Graduation

President Mummolo asked the Mayor and council members to join him at the podium along with Point Pleasant Mayor Joe Sabosik, Council President Toni DePaola, Councilman Joe Furfato and Councilman Mike Thulen, Jr.

Deputy Chief Riccio said there are ten members of the community who recently completed the CERT training program which was hosted by Brick and noted there are two members from Brick, seven members from Point Pleasant and one from Toms River. He gave a brief history of the program. He congratulated and announced the graduates: Karen Byrne, Mary Furfato, Theresa Kasper, Michael Petrucci, Bill Robinson, Maria Robinson, Kim Welsh, Vincent Thomas, David Viehmeyer and Vincent Thomas. Mayor Ducey and President Mummolo presented them with certificates.

Motion by Councilwoman Lydecker and seconded by Councilman Fozman to adopt the following Resolutions:

All Council members voted AYE on Roll Call, except:

President Mummolo abstained on "*Cancel Taxes on Block 905 Lot 1 and Block 908 Lot 1*".

Recognize Ocean Medical Center 31st Anniversary Honorees

President Mummolo said this resolution is in support of Ocean Medical Center 31st Anniversary, which has been serving our residents since 1984.

Recognize UNICO Flag Raising Event

President Mummolo said this resolution recognizes members of Brick UNICO, who will help raise the Italian flag at a special ceremony at the Brick Township Municipal Building on Saturday, October 3rd. He said the flag raising is being held to observe Italian Heritage Month.

Authorize Insertion of Chapter 159 – Ocean County Tourism Local Arts Grant – 2015

President Mummolo said this resolution authorizes the insertion of a grant in the amount of \$1,500.00 from the Ocean County Tourism Advisory Council Local Arts Grant to promote Summerfest and other activities.

Authorize Insertion of Chapter 159 - Clean Communities Grant – 2015

President Mummolo said this resolution authorizes the insertion of a grant in the amount of \$170,736.35 from the State of New Jersey Clean Communities Grant program. This is an annual

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grant the Township applies for to offset the cost of personnel and programs for garbage collection and recycling.

Authorize Application – Local Arts Program Grant – Recreation Department

Councilwoman Zapcic explained the grant and said this grant will pay for the Cultural Arts Series which includes concerts and other events at Traders Cove, Civic Plaza and Bob Anstett Cultural Arts Center.

Authorize Acceptance – Emergency Management Agency Assistance Grant

President Mummolo explained this resolution authorizes the acceptance of a \$5,000.00 Emergency Management Agency Assistance Grant from the Ocean County Sheriff's Department, which the Township uses to offset the cost of the Township's OEM Director.

Authorize Receipt of Bids – Sign Material

President Mummolo said this resolution authorizes the receipt of bids for the purchase and delivery of sign supplies for the Sign Shop at DPW.

Authorize Award of Bid – Purchase & Delivery of Two Rear Loading Refuse Collection Vehicles

Councilman Fozman said this resolution awards the bid to Hunter Jersey Peterbilt, Clarksburg, NJ. He advised the total amount is \$399,500.00 for two 2016 Peterbilt 349 29 yard rear loading refuse collection vehicles. He said these trucks come equipped with heavy duty plows and include an extended five year 100,000 warranty at no additional cost. He noted this bid was \$80,000.00 lower than the amount that was requested in the capital budget.

Authorize Award of Bid – Purchase, Delivery & Installation of Scoreboard at Drum Point Sports Complex

President Mummolo stated this resolution authorizes award of bid for the purchase, delivery and installation of a scoreboard on the adult turf field at the Drum Point Sports Complex to Eastern Sign Tech, LLC., Burlington, NJ in the amount of \$43,372.52. He said this bid also includes the removal and disposal of the existing scoreboard and noted this project has been approved in the 2015 capital budget.

Authorize Award of Bid – Lake Riviera Park Improvements

Councilwoman Zapcic said this resolution authorizes the award of bid to Jamali Developers, Monroe Township, NJ in the amount of \$977,021.00. She said this bid came in under the budget by \$200,000.00 and mentioned the park amenities.

Authorize Execution of Shared Services Agreement with Ocean County Prosecutor's Office Driving While Intoxicated Enforcement Program

President Mummolo explained this resolution authorizes the execution of a shared services agreement with the County of Ocean for Driving While Intoxicated Enforcement Program, which is aimed at detecting and arresting impaired drivers throughout Ocean County. He said during time when manpower is needed for enforcement, members of the Brick Police Department are called upon to assist. He advised the County reimburses the Township an hourly rate for the officers assigned to this program.

Authorize Execution of Shared Services Agreement with Ocean County Prosecutor's Office Drug Recognition Expert Callout Program

President Mummolo explained this resolution authorizes a shared service agreement with the Ocean County Prosecutor's Office for the Drug Recognition Expert Callout Program which assists with identifying and removing intoxicated drivers from the roadway. He said in this agreement, the Township agrees to designate officers to this program and ensures they receive the proper training. He advised he County reimburses the Township an hourly rate for the officers assigned to this program.

Authorize Renewal of Liquor License – RiverWatch

President Mummolo said this resolution authorizes the renewal of a plenary retail consumption license to Riverwatch for the period of September 21, 2015 through June 30, 2016 in an inactive status.

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Authorize Placement of Tax Liens for Property Clean-ups

President Mummolo said this resolution authorizes the placement of tax liens for property clean-ups at the following locations:

- **1501 Route 88, Block 755/Lot 34.01 in the amount of \$165.01**
- **87 Cedarhurst Drive, Block 617/Lot 156 in the amount of \$110.60**
- **21 Farragut Drive, Block 261/Lot 7 in the amount of \$124.99**

Bond Releases/Reductions:

Performance Bond Reduction – Lake Real Estate – Old Burnt Tavern Road

Clerk Iannarone advised this Performance Bond Reduction for Lake Real Estate – Old Burnt Tavern Road an irrevocable letter of credit in the amount of \$105,009.33 be reduced to \$45,492.33 and the cash performance bond in the amount of \$11,667.71 be reduced to \$5,055.43 returning \$6,612.28 to the applicant.

Performance Bond Reduction – Chick-Fil-A - Off Route 70

Clerk Iannarone advised Performance Bond Reduction for Chick-Fil-A - Off Route 70 the Bond in the amount of \$356,402.70 and the cash performance bond in the amount of \$39,600.30 be returned to the applicant.

Tax Collector:

Tax Overpayments – 2015

Joanne Bergin advised there are tax overpayments for Block 1192.16/Lot 25, 11 Daniel Court in the amount of \$526.59.

County Tax Board Appeal Granted – Block 1386 Lot 18 C0096 – 96 Greenwood Loop

Joanne Bergin advised there is a County Tax Appeal granted for Block 1386 Lot 18 C0096– 96 Greenwood Loop Road in the amount of \$176.90.

Cancel Taxes on Block 905 Lot 1 and Block 908 Lot 1

Joanne Bergin advised this cancels taxes on Block 905 Lot 1 and Block 908 Lot 1 as per the Tax Assessor, these parcels no longer exist.

Tax Overpayment due to subsequent payment by Lien Holder Block 1429.02 Lot 2 C1264 1264 Isadora Court

Joanne Bergin advised there is a tax overpayment due to subsequent payment by the lien holder for Block 1429.02 Lot 2 C1264 – 1264 Isadora Court in the amount of \$1,887.78.

President Mummolo opened the public hearing on the Resolutions.

George Scott, 16 Queen Ann Road, questioned the tourism grant and where the matching funds come from and also with the Clean Communities Grant.

Joanne Bergin responded the matching funds for the tourism grant are budgeted and the other is not a matching grant.

George Scott asked if Ocean County dictates where the money will be spent for the Local Arts Grant.

Councilwoman Zapcic said the Township applied for \$5,000.00 and it may be less and whatever is received that will be matched. She said it is preferred when applying for this grant to name the artists, venues, etc.

George Scott questioned the shared services with Ocean County Prosecutor's Office when an officer does off duty road years ago a fee was established for \$65.00/hour and the agreement states \$55.00/hour does the PBA agree to this amount or does the Township make up the difference.

Joanne Bergin responded the PBA does not object to the amount in the shared services agreement; the road jobs in their opinion are different because it is work they sign up for outside the regular scope they are happy when the Township participates in these types of agreements; there is value to the officers by enhancing their skillset.

George Scott stated his concerns with 32 bids went out for the refuse collection vehicles and only one bid was received. He questioned if another vehicle could be considered to save money.

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President Mummolo advised the bid was lower than the amount that was budgeted.

Joanne Bergin advised that it could have something to do with this being a rear loading truck. She explained that the Township Purchasing Agent researches the various cooperatives and the State contract before going out to bid.

There were no further comments from the audience.

President Mummolo closed the public hearing on the Resolutions.

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

George Scott, 16 Queen Ann Road, questioned why the Township is paying CME Associates for dredging. He also asked about the bill for golf merchandise.

Joanne Bergin responded the project is charged to a certain ordinance and was considered a waterway improvement type project and has nothing to do with the task. The contractor was paid separately for work there and CME is doing construction and administration and their payment is a drawn down.

Councilwoman Zapcic advised the golf merchandise was for supplies for the BMAC Golf Outing and is charged to the BMAC Rider Account.

There were no further comments from the audience.

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

Motion by Councilman Fozman and seconded by Vice President deJong to adopt the following Resolution.

All Council Members voted AYE on Roll Call, except:
Councilwoman Zapcic ABSTAINED on Gannett Newspapers and NJ Press Media.
Councilman Fozman ABSTAINED on BTMUA.

2015 Computer Bill Resolution in the amount of \$949,164.09

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

There were no comments from the audience.

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

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

All Council Members voted AYE on Roll Call.

2015 Manual Bill Resolution in the amount of \$1,560,471.87

Ordinance on First Reading: Amend Chapter 331 – Outside Storage & Delivery of Firewood – Residential Areas

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

President Mummolo explained the Land Use Committee has reviewed and discussed modifications to this ordinance based on the number of complaints they received about people stockpiling a significant amount of firewood on their properties, including front yards and driveways. He said complaints also indicated that large wood is being cut almost around the clock and that the noise from chainsaws is unbearable. He said that code enforcement has gone out, but there is not enough definition in the existing ordinance to cite them for any violations. He explained the revised ordinance helps control the amount of firewood on site at any given time, as well as better defines storage locations. He said the ordinance limits deliveries to two in any 30-day period; prohibits firewood storage in the front yard (no longer than 10 days after delivery) firewood must be stored three feet from neighbor's property lines;

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limits firewood storage to two cords of wood stored at any time; no more than one-fourth of a firewood cord shall be stored on the porch of a residential structure; and storage on a front porch must be in a factory built metal storage device.

Motion by Councilwoman Zapcic and seconded by Councilman Fozman 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, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE TO ADOPT CHAPTER 331, ARTICLE III, ENTITLED "OUTSIDE STORAGE AND DELIVERY OF FIREWOOD IN RESIDENTIAL AREAS"

Ordinance on Second Reading: Amend Chapter 145 – Waiver of Fees for Construction – Accessibility by Disabled Persons

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

President Mummolo explained this ordinance came about as a result of an Eagle Scout project which was discussed at a previous Council meeting. He said the Scout proposed to construct a ramp at a church to provide handicapped access and requested that the Township waive the building fees. He advised the Township Code provides for the waiver of fees for such improvements on public property, and on private "residential" properties but does not include Churches or other community gathering places. He stated the ordinance is based upon a statute which authorizes such an ordinance; however, the statute does not require the limitation to "residential" properties and permits the waiver on all public or private properties. He advised the Land Use Committee suggested this ordinance on the basis that the Code should provide for the waiver of such fees for projects undertaken to promote accessibility for all disabled persons, including existing public structures, private residential structures and places of assembly.

President Mummolo opened the public hearing on the Ordinance.

There were no comments from the audience.

President Mummolo closed the public hearing on the Ordinance.

Motion by Vice President deJong and seconded by Councilwoman Zapcic 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.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 145-5, ENTITLED "WAIVER OF FEES FOR CONSTRUCTION TO PROMOTE ACCESSIBILITY BY DISABLED PERSONS"

Ordinance on Second Reading: Amend Chapter 145 - Waiver of Fees for Construction – Renovation of Existing Vacant Commercial Structures

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

Mayor Ducey said this is a real exciting initiative and Brick is the first one in the entire state to do this. He said he thought this would have kicked off sooner, but the State had to have their say in it and finally they approved it. He said the program is called Brick Store Front Revitalization Program and it is to fill the empty store fronts 5,000 square feet and under that have been vacant for at least one year or more – all permit fees will be waived. He said the large box stores can afford the fees. The Township wants to help out the mom and pop businesses. He said the small businesses are the backbone of the community they are the ones that donate to community events/organizations, PTA's and non-profit organizations.

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President Mummolo opened the public hearing on the Ordinance.

George Scott, 16 Queen Ann Road, said he agrees with the Mayor and stated his concerns with the rents being high. He spoke on the building report figures for the month of August and stated his concerns with the strip mall owners not being charged for alteration fees with this Ordinance. He asked for clarification of Section 2 where it states there is no waiver of fees if there are outstanding property taxes due and questioned what if the property owner has other properties with outstanding taxes due.

Mayor Ducey advised this program does not touch the alterations it has to be empty for one year and it goes to the actual applicant/business owner not the strip mall owner. He said that they cannot control the rents by the landlords but they can control the permit fees.

Kevin Starkey responded regarding outstanding taxes this applies to the property at issue.

Charlie Bacon, 676 Thiele Road, stated his displeasure with the Ordinance.

There were no further comments from the audience.

President Mummolo closed the public hearing on the Ordinance.

Motion by Councilman Fozman and seconded by Councilwoman Zapic 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.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE TO ADOPT CHAPTER 145-6, ENTITLED "WAIVER OF FEES FOR CONSTRUCTION TO PROMOTE THE RENOVATION OF EXISTING VACANT COMMERCIAL STRUCTURES"

Sam Foster, 108 Teakwood Drive, said he was happy with the paving project on his street. He questioned if the Township can put restrictions or reduce the amount of new restaurants coming into the Township. He asked for an update on the Foodtown site. He asked who he could contact about putting an archery range in his backyard.

President Mummolo advised the Township cannot restrict restaurants if they comply with all the building requirements. He noted the demographics are here in the Township that is why chains are coming in. He advised with the Foodtown site there is still pending litigation. He suggested that he check with the building and zoning departments about an archery range.

George Scott, 16 Queen Ann Road, said there's a development off Old Hooper Avenue and Brick Boulevard where they are clearing trees and questioned the requirements on the replacement of trees.

President Mummolo replied he did not have the particular details on the project but does know that it went before the Planning Board some time ago. He advised they may be clear cutting for the utilities to be put in.

Joanne Bergin added the Shade Tree Commission reviews all developments in town and they must adhere to landscaping requirements. She said as a new development obviously clearing was required, but the planning board incorporates not only their comments but general landscaping requirements for replacing and covering the landscape components.

George Scott asked if there is any idea of what was spent so far for the Foodtown Litigation.

Kevin Starkey replied that is being handled by the redevelopment counsel and advised they would get the amount for him.

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

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Charlie Bacon, 676 Thiele Road, stated his concerns with the Mayor's Revitalization Program and offered some suggestions on having a small business committee and added he would be happy to meet with Administration and Council to discuss the details.

Mayor Ducey said the 911 Remembrance Ceremony was well attended. He spoke about the First Teen Advisory Council Roundtable and advised they will be participating in a Connect 4 Challenge on Oct. 10th. He mentioned the many events he attended and spoke about the upcoming events at Bricktoberfest on October 3rd. He congratulated Brick Township High School Band for 2nd Place at the Music Fest hosted by Brick Memorial High School. He mentioned the various progress on the parks; Colorado Park construction is ongoing, Angela Hibbard Ground Breaking will be shortly and Bay Harbor Beach Park is complete. He read an email that he received commending him, the Recreation Director and Donovan Brown for the great job the life guards did over the summer.

Councilwoman Zapcic congratulated the CERT graduates. She thanked everyone who was involved, played and sponsored the BMAC Golf Tournament. She said it is a pleasure for her to be part of all the park projects, but especially Lake Riviera and commented the residents there have been waiting for a long time for this park to be improved.

Councilwoman Lydecker echoed Councilwoman Zapcic comments on the Lake Riviera Park. She said she attended the BMAC Golf Tournament and it was a huge success with the money that was raised to help match the grant.

Councilman Fozman said he attended the first neighborhood watch meeting for Colorado Park. He mentioned the various events that he attended. He congratulated the CERT Graduates. He stated his pleasure with the park projects finally getting done.

Vice President deJong said she attended and thanked the Rotary for their Dog Fest and commented on what a great community event it was. She said she is looking forward to Bricktoberfest and noted the events going on for that day and urged residents to attend. She remarked on how happy she is for the Brick Revitalization Program to help the small businesses who are the backbone of the community. She commented on the Buy in Brick Program and what has been done to promote the businesses and help the residents with tax credits.

President Mummolo congratulated the CERT Graduates and advised he attended the 911 Remembrance Ceremony, Dog Fest and played in the BMAC Golf Tournament. He said he is looking forward to seeing everyone at Bricktoberfest on October 3rd.

Motion by Councilman Fozman and seconded by Vice President deJong to Adjourn the meeting at 8:20 p.m.

All Council Members voted AYE.

Paul Mummolo
Council President

Lynnette A. Iannarone
Township Clerk