

September 6, 2016

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 7:00 p.m.

Present

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

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 on January 8, 2016. 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 led by Thomas Kraft followed by a moment of silence.

Motion by Councilwoman Zapcic and seconded by Councilwoman deJong to dispense with the reading of the minutes of the August 23, 2016 meeting and approve the same.

All Council Members voted AYE on Roll Call, except:

Councilman Halloran and Vice President Pontoriero ABSTAINED because they were absent.

Presentation – Eagle Scout Project – Monarch Mountains

Thomas Kraft talked about his background and gave a presentation on his Eagle Scout Project Monarch Mountain II Pollinator Garden at Windward Beach. He said that he is arranging his own funding for the project and has a donation form which tells a little about his project and different ways people can help. He stated that the project will take about 3 work days and he will do it in late September, early October when the plants start to bloom. He thanked the council for letting him present his project.

Motion by Councilman Halloran and seconded by Councilman Fozman to Introduce the Budget Amendment and Authorize Advertisement of such.

All Council Members voted AYE on Roll Call.

Budget Amendment Introduction and Authorization to Advertise:

Mayor Ducey explained the budget amendment is good news for township taxpayers. He said thanks to the hard work of everyone in the township they have been awarded a grant from the State of New Jersey to offset the financial impact related to the ongoing recovery of Superstorm Sandy. He stated the amendment will include a grant amount of just under \$1.2M which is going directly into the budget which will allow them to reduce the tax rate and also increase the size of the police department. He stated some money will also go into surplus. He said the budget took a lot of hard work for many people including the township financial team, administration and division heads. He thanked everyone for reining in expenditures and working more efficiently for the township.

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

All Council Members voted AYE on Roll Call.

Councilman Fozman voted NAY to *“Authorize Receipt of Bids – Purchase, Delivery & Installation – One (1) Self-Service Ice Machine – Traders Cove Marina.”*

Recognize Childhood Cancer Awareness Month – September

President Mummolo stated this resolution recognizes Childhood Cancer Awareness Month and the efforts of the non-profit organizations dedicated to bringing hope and help to children in New Jersey who have been diagnosed with cancer including the Ashley Lauren Foundation.

Recognize Brick Township Rotary Dog Fest Event

President Mummolo stated this resolution recognizes the seventh annual Dog Fest celebration which will be held at Windward Beach on September 18.

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Authorize Receipt of Proposals – Animal Control Officer Services & Veterinary Services

President Mummolo stated this resolution authorizes the receipt of proposals for animal control officer and veterinary services for 2017.

Authorize Receipt of Proposals – Various Professional Services

President Mummolo stated this resolution authorizes the receipt of proposals for various professional services as needed in 2017.

Authorize Receipt of Bids – Purchase, Delivery & Installation – Automatic Boat Ramp Gate – Traders Cove Marina

President Mummolo stated this resolution authorizes the receipt of bids for the purchase, delivery and installation of an automatic boat ramp gate at Trader's Cove. He said this item is in the 2016 capital budget.

Authorize Receipt of Bids – Purchase, Delivery & Installation – One (1) Self Service Ice Machine - Traders Cove Marina

President Mummolo stated this resolution authorizes the receipt of bids for the purchase, delivery and installation of a self-service ice machine at Trader's Cove. He said this item is in the 2016 capital budget.

Authorize Award of Bid – Roadway Improvements to Isolated Streets

Mayor Ducey stated this resolution authorizes the award of bid for roadway improvements to isolated streets to Esposito Construction, Old Bridge, in the amount of \$516,754.30. He said the streets included in this contract are Firehouse Road, Shore Drive, Plaza Terrace West, Ridge Road, and G Street.

Authorize Award of Bid – Purchase & Delivery – One (1) 2017 Type 1 Ford F-450 Ambulance through the HGAC-Buy National Cooperative

President Mummolo stated this resolution authorizes the award of bid for the purchase and delivery of a Ford F-250 ambulance available through the HGAC-Buy National Cooperative in the amount of \$173,000.00.00 He said this purchase is included in the 2016 capital budget and this ambulance replaces an older vehicle no longer in service and retains the fleet with a total of 8.

Authorize Award of Contract – Stafford Township Co-operative Pricing System – Rock Salt

President Mummolo stated this resolution authorizes the award of contract for rock salt to Atlantic Salt, Lowell, MA in a schedule of prices that includes rock salt delivered and pre-treated rock salt delivered and picked up.

Authorize Disposal of Surplus Personal Property – Radar Units

President Mummolo stated this resolution authorizes the disposal of 12 radar units no longer needed for public use.

Authorize Acceptance of Surplus Military Equipment – One (1) Search & Rescue Vehicle

President Mummolo stated this resolution authorizes acceptance of a 2012 6x6 high wheeled search and rescue vehicle as provided to the Township at no cost under the United States Department of Defense 1033 Program. He said this program has enabled the Township to acquire valuable equipment that it could not otherwise afford and to prepare for, respond to, and assist in recovery from events such as Superstorm Sandy.

Authorize Submission of Application – 2017 Local Arts Program Grant

Councilwoman Zapcic stated this resolution authorizes the submission of the 2017 Local Arts Program Grant for the Brick Recreation Department's 2017 Cultural Concert Series which is administered by the Ocean County Cultural Arts Commission with funding from New Jersey State Council on the Arts.

Authorize Rotary Club – Pet Friendly Event at Windward Beach Park

President Mummolo stated this resolution exempts the Rotary Club of Brick Township's Dog Fest from the Township code banning animals at Windward Beach Park.

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Authorize Special Events Permit – St. Paul’s Church – Blessing of the Animals Event

President Mummolo stated this resolution authorizes the Blessing of the Animals, Pet Fair and Pet Adoption Day at St. Paul’s United Methodist Church on Herbertsville Road from 8 am to 4 pm on September 10.

Authorize Placement of Tax Liens for Property Clean-ups

President Mummolo stated this resolution authorizes the placement of tax liens for property cleanups including 23 Paul Jones Drive in the amount of \$346.00; 103 Bayview Drive in the amount of \$66.85, 134 Smith Circle in the amount of \$1,006.64 and 18 Bayberry Court in the amount of \$1,031.46

Tax Collector:

Joanne Bergin advised the following:

- 100% DAV Refund & Cancel Taxes – Block 646.19 Lot 8 – 70 Mayfair Court in the amount of \$4,559.89.
- 100% DAV Cancel Taxes – Block 1053 Lot 6 – 106 Roosevelt Drive as of July 28, 2016.
- Tax Overpayments – 2015 to 304 Emerald Drive, Block 383.35 Lot 6 in the amount of \$797.37.

President Mummolo opened the public hearing on the Resolutions.

Nan Coll, 18 Greenbriar Boulevard, asked why the radar units are being disposed since she is concerned about the speed limit in Greenbriar II.

Joanne Bergin responded they have outlived their useful life. She clarified the speed signs they put in neighborhoods are different that these units that are being disposed of.

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.

There were no comments from the audience.

President Mummolo closed the public hearing on the Computer Bill Resolution

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

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

2016 Computer Bill Resolution in the amount of \$9,541,184.14

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 Councilwoman Zapcic and seconded by Councilwoman deJong to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

2016 Manual Bill Resolution in the amount of \$19,785.22

Ordinance on First Reading: Amend Chapter 288 – Vehicles and Traffic – Restrict Parking on Certain Streets.

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

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Mayor Ducey stated the Township has received several complaints regarding overflow parking from 635 Duquesne Boulevard, a professional office building that recently had a change in tenants. There are no restrictions regarding on-street parking in that area. He said the Township's Zoning Official and Assistant Zoning Official conducted site visits to ensure that the use was consistent and have determined that there has not been a change in use. He reported the tenant is a real estate company that has auctions on a regular basis that draw a significant amount of bidders. He said on the days when auctions are held, vehicles park along both side of Duquesne Boulevard all the way up to Brick Boulevard. He stated residents are complaining about the traffic, the parking and the number of people in their neighborhoods. He stated they looked into permit parking for residents, but that could be a problem. He said that a permit parking program in Brick would raise concerns, and may lead to litigation over the questionable validity of such a program. He stated the parking restrictions would be in place from 8 am to 5 pm weekdays on the following streets: the entire length of Duquesne Boulevard, both sides; North Lake Shore Drive between Duquesne Boulevard and Bethany Lane, and Lafayette Drive between Duquesne Boulevard and Bates Way.

Motion by Vice President Pontoriero and seconded by Councilwoman Zapcic 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 CHAPTER 288 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, ENTITLED "VEHICLES AND TRAFFIC," TO RESTRICT PARKING ON CERTAIN STREETS

Ordinance on Second Reading: Amend Chapter 134 – Appointment of Two Alternate Members – Property Maintenance Board

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

President Mummolo stated the Property Maintenance Board provides an essential function, meeting monthly to review the status of properties that have multiple code violations and forcing the owners to take action. He said those who do not comply go through the proper process that allows the Township to step in and take action. He reported the board hears several cases each meeting, which can take 3 or more hours to review and take action. He said the time commitment of each of these members is applauded, and having alternates takes some of the burden off these members, who have not been able to miss a meeting to ensure a quorum. He stated addressing property code violations and the abandoned properties in town is a priority and this is another tool that the Township uses to be as proactive and effective as possible.

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 Councilwoman deJong and seconded by Councilman Halloran 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 TOWNSHIP CODE CHAPTER 134 ENTITLED "BUILDINGS, UNSAFE" TO AUTHORIZE THE APPOINTMENT OF TWO ALTERNATE MEMBERS TO THE PROPERTY MAINTENANCE BOARD

Ordinance on Second Reading: Authorize Acquisition of Block: 236.25 Lot: 39

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

President Mummolo stated a property owner off Mandalay (Knoll Crest) offered to convey the property to the Township. He said the 40 x 100 piece of property is wetlands and not developable, but it does count as a credit for the Community Rating System program that provides flood insurance discounts throughout the Township. He reported the taxes annually are \$42.40. He stated this is a donation offer with no cost to the town. He reported the Land

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Use Committee is recommending the Township accept the donation.

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 Councilman Halloran and seconded by Councilwoman deJong 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.

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 236.25, LOT 39 FOR NO CONSIDERATION

President Mummolo 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, reiterated her request for the speed limit to be lowered in Greenbriar II to be the same as Greenbriar I and Wedgewood Place.

Isaac Sassoon, Attorney for Duquesne Holdings, stated there is misinformation with regard to tenants. He said the tenants have remained the same for the last couple of years. He reiterated the chiropractor has been there for the last 2-3 years, the Select Medical Office has been there for approximately 4-5 years. He stated the Tryko team moved in 2 years ago and there has been no change since then. He said the only thing that has changed has been a growth in the business and what they are trying to do by limiting parking is going to limit the growth of the business. He is disappointed to hear there is not a desire to grow a growing business in Brick. He said the only street that he knows of in Brick that is restricted is in Greenbriar I and that is only for overnight parking only. He commented there is no prohibition in any parking in Brick that pertains to commercial parking during the day. He stated no one talked to them about this. He commented to limit parking prohibition to three streets in Brick where it exists nowhere else is nothing short of discriminatory. He said there are 38 parking spots, that is what was required, that is what was built and unfortunately there is no growth possibility on the lot. He commented there are severe issues that need to be discussed; this appears to be discriminatory.

Kevin Starkey said that there seems to be an implication of racial or religious undertones attributed to council. He does not know what those references were to but it sounds like they were comments on Facebook. He said this council doesn't a) control Facebook or comments made by the public on Facebook and b) absolutely, unequivocally has no discriminatory intent against any religious, race or intentions expressed in their ordinance that is proposed in their ordinance. He stated it is just to insure the public safety through controlling traffic and parking. He said anything to the contrary is outrageous.

President Mummolo reiterated this is first reading of the ordinance and there is no comment.

Rich Campbell said that he spoke with Code Enforcement on the parking issue. He asked if they could extend the ordinance to cover Wells Fargo. He is a disabled veteran and expressed his concerns with the parking. He commented handicapped spots are made available for people who need them.

Mayor Ducey said that anyone seeing parking violations should call the Police Department who enforces the handicapped parking and fire lanes.

Jim Stoeber, 628 Duquesne Boulevard, thanked the mayor and council for addressing the parking issue. He commented in all the time he has lived there it has always been a busy street with a lot of traffic up and down the street. He said they have grown accustomed to the traffic and they deal with it. He said 38 parking spaces is what is required for 635 Duquesne Boulevard for the 3 businesses there, however the previous tenant for 2/3 of the building that moved out 2 years ago allowing Tryko and their subsidiaries to move in never exceeded the 38

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parking spaces. He said since Tryko has moved in they have had a minimum of 19 cars parked on both shoulders up and down Duquesne Boulevard, blocking driveways, mailboxes and garbage cans. He stated he refutes pretty much everything that Isaac Sassoon previously stated.

Vic Finamore, 137 Queen Ann Road, recommended the lot at 635 Duquesne Boulevard be expanded to fit 20-25 more parking spaces possibly utilizing the Target parking across the way taking the pressure off of the residents on Duquesne Boulevard and adjacent streets.

Scott Logan, 620 Duquesne Boulevard, said that he would like to reiterate what Jim Stoever mentioned. He stated he works for Neptune Township and they had a problem with overflow parking in their Gables section on Route 33 because of the hospital. He said they instituted limited 2 hour parking in that area. He asked if there is going to be no parking how are services going to get done, for example, landscaping and other services.

Nan Coll, 18 Greenbriar Boulevard, commented they should have had a couple of hearings on the parking situation. She stated there is a Federal Law against blocking the mailboxes.

Deidre ?, 634 Duquesne Boulevard, commented she does not have a problem parking on the street or anyone parking on the street. She said they have never parked over the white lines and there should not be an issue, there are no "no parking" signs posted.

Carrie Manfra, 654 Red Maple Drive, works for Tryko and the parking is an issue but it is going to be a hardship on the employees. She stated they need a solution that works for everyone.

Marlene Stoever, 628 Duquesne Boulevard, commented the woman who spoke before who said that she lives at 634 Duquesne Boulevard is an employee of Tryko Enterprises.

President Mummolo closed the public hearing portion of the meeting.

Mayor Ducey stated a couple of the audience members used the word city and Brick Township is not a city but a town and they are trying to avoid becoming a city. He said school's back in session today – and wished all students the best and remind residents to drive carefully especially around bus stops. He mentioned several events he attended and announced several upcoming events. He announced the Budget Hearing/Adoption meeting on September 12 at 6:00 p.m. and the Green Acres Hearing regarding Traders Cove and Hank Waltonowski Park on September 19 at 6:00 p.m.

Councilwoman Zapcic said that she attended the annual Brick Dragon vs. Brick Mustangs youth football games. She said she enjoys going to these games every year and commended both organizations for setting such a great example. She attended the Guild Works at Civic Plaza, a fundraiser for the American Legion and the funds raised are going to the family of a local soldier who was injured overseas.

Councilman Halloran gave an update on the storm and commented they really dodged the bullet with Hurricane Hermine.

Councilwoman deJong commended the Eagle Scout Candidate for staying for the entire meeting. She wished all students good luck throughout the year. She said that she attended the meeting at the Barrier Island with the mayor. She thanked all township employees who prepared for the storm that did not happen.

Councilman Fozman said that he is happy about receiving the grant coming so they can lower the tax rate. He thanked the Chief for his work in the different areas in town. He said they had a Neighborhood Watch meeting at Evergreen Woods and that went very well. He said that they just amended their by-laws so that new owners have to live there for 2 years before they can rent a unit out.

Vice President Pontoriero stated as a township they welcome business expansion, however expansion cannot occur at the quality of life of the residents. She said healthy discussion is a good thing; the town wants to assist but with the resident's health, safety and well being as well.

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President Mummolo stated quality of life is something they all look at and is important to them. He thanked Chief Riccio for coming to the meeting tonight. He thanked Thomas Kraft for his presentation and looks forward to working with him on his project. He commented the council does not set speed limits in town; they do not have any control on the police department lowering speed limits. He said traffic safety looks at all types of items and they will look at this. He reminded everyone that school started and urged everyone to drive carefully. He urged everyone to attend the September 11 memorial service at Windward Beach.

Motion by Vice President Pontoriero and seconded by Councilwoman deJong to Adjourn the meeting at 8:25 p.m.

All Council Members voted AYE.

Paul Mummolo
Council President

Lynnette A. Iannarone
Township Clerk