

August 23, 2022

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 Perry Albanese
Councilwoman Andrea Zapcic
Councilwoman Heather deJong
Councilwoman Marianna Pontoriero (left at 7:45pm)
Councilman Arthur Halloran
Council Vice President Lisa Crate

Also Present

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

Absent

Council President Vince Minichino

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press and The Ocean Star on January 7, 2022. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).

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

Clerk Iannarone was directed to accept and file the Building & Construction, Certificate of Occupancy (June & July), Engineering, Sewer & Water and Vital Statistics Reports for the month of July 2022.

Motion by Councilwoman Pontoriero and seconded by Councilwoman deJong to dispense with the reading of the minutes of the May 24 and August 9, 2022 Meetings and approve same.

All Council Members voted AYE on Roll Call.

Presentation

Eagle Scout Award – Ryan Costello, BSA Troop 39

Mayor Ducey introduced Ryan Costello and presented a certificate of commendation to him for his achievement of rank of Eagle Scout. Eagle Scout Costello spoke of his project of planting eight trees at Allaire State Park. He thanked his parents, leaders and grandparents for their support.

Motion by Councilwoman Zapcic and seconded by Councilman Albanese to adopt the following resolutions.

All Council Members voted AYE on Roll Call.

Authorize Amendments to Redevelopment Agreement with Brick Standard

Councilwoman deJong advised this resolution authorizes amendments to the Redevelopment Agreement with Brick Standard as part of the transfer of sale between Brick Standard and Altus for the solar array at the capped landfill on Sally Ike Road. The Township's Redevelopment Agreement with Brick Standard allows for the transfer of sale which carries over all of the original terms. All of these agreements were part of the original Redevelopment Agreement and need to be updated to Altus.

Authorize Receipt of Bids for Roadway Improvements – Cherry Quay

Mayor Ducey explained that this resolution authorizes the receipt of bids for roadway improvements to Cherry Quay as approved in the 2022 capital budget. Roads included are Captains Drive, Captains Court, Port Road, Seagoin Road, Starboard Court, Wake Place, Bark Road and Boom Lane.

Authorize Receipt of Bids for Roadway Resurfacing – Siclar Estates, Phase 2

Mayor Ducey stated this resolution authorizes the receipt of bids for roadway improvements to Siclar Estates Phase 2 as approved in the 2022 capital budget. Streets include: Jewel Avenue, Kuster Lane, Sweeney Avenue, Conte Avenue and Marbro Avenue.

Authorize Bid – Purchase & Delivery of Rear Loading Refuse Collection Vehicle

Council Vice President Crate said this resolution authorizes the receipt of bids for the purchase and delivery of a rear loading refuse collection vehicle as approved in the 2022 capital budget.

Authorize Bid – Purchase & Delivery of 2 Automated Side Loading Refuse Collection Vehicles

Council Vice President Crate stated this resolution authorizes the receipt of bids for the purchase and delivery of two automated side loading refuse collection vehicles as approved in the 2022 capital budget.

Authorize Rebid – HVAC Services

Councilwoman Zapcic explained this resolution authorizes the rebid for HVAC services. The Township received bids on August 18. One bidder responded, but a flaw in the submission prevents it from being awarded. Therefore, they will be going back out to bid for this service.

Authorize Contract Roadway Improvements – Riviera Beach, Phase 3

Mayor Ducey stated this resolution authorizes a contract in the amount of \$551,399.43 to Meco Inc., for the roadway improvements to Rivera Beach Phase 3 Project. The major work items to be completed under the scope of this project consists of roadway milling and resurfacing to: Jefferson Court, Madison Court, 20th, 21st, 22nd and 23rd Avenues and Walnut Drive. Bid notices were provided to 77 prospective bidders from the bidders list and 9 requested bid packages. Seven bids were received with prices ranging from \$551,399.43 to \$797,019.62 with Meco Inc. being the lowest responsive, responsible bidder.

Authorize Change Order #1 – Roadway Improvements to Woodland Valley, Phase 3

Mayor Ducey said this resolution authorizes a change order increase in the contract with Z Brothers Concrete for the Woodland Valley Phase 3 Project. This increase will allow for an expansion of the job to include a portion of Winding River Road. The change order reflects an increase in the amount of \$34,833.23.

Authorize Contract Through Educational Services Commission of NJ Cooperative for 2 Electric Vehicles

Councilwoman deJong advised this resolution authorizes a contract in the amount of \$52,176.00 with Mall Chevrolet, for the purchase and delivery of two electric vehicles that will be used by the Township's parks security officers. The 2023 Chevrolet Bolts are being purchased through the Educational Services Commission of NJ Cooperative Pricing System.

Authorize Contract for Automotive Parts, Supplies and Repairs

Councilwoman Pontoriero stated this resolution authorizes a contract not to exceed \$35,000 with Freehold Ford for automotive parts, supplies and repairs for vehicles under 15,000 gross vehicle weight. Bid notices were provided to 33 prospective bidders from the bidders list and 9 requested bid packages. Three bids were received, with Freehold Ford being the lowest and most responsible bidder. The Township did not receive complete bids for GM and Chrysler manufactured vehicles. The Superintendent of Public Works does not wish to rebid these categories, but rather use contracts of cooperative pricing systems.

Authorize Contract for Professional Medical Services

Councilwoman Zapcic explained this resolution authorizes the award of Professional Medical Services to: Dynamic Testing Service, Hackensack Meridian Team Health, and the Institute for Forensic Psychology. This resolution also approves soliciting additional proposals to create a pool of vendors to accommodate the Township's needs. Request for proposal notices were provided to 15 prospective bidders. Eight bidders picked up proposals and four were received; however, one proposal was deemed non-responsive. The remaining three proposals are being awarded.

Authorize Sale of Surplus Personal Property – Auction 2022-5

Councilman Albanese stated this resolution authorizes the sale of surplus property, specifically information technology equipment no longer needed for public use. Municibid will host the online auction at a 7 percent commission.

Authorize Bid for Taxicab Business License.

Councilman Halloran said this resolution authorizes a bid for a taxicab license in the amount of \$200. This is being done in accordance with the Township's Taxi Code which requires the

Township to pass a resolution authorizing receipt of bids for the taxi business license and setting the minimum bid amount.

Bond Releases/Reductions

Clerk Iannarone advised of the following:

- Inspection Fund Release to Nichols and Rakos, LLC., Route 88 East in the amount of \$412.32
- Inspection Fund Release to Keller Property Investments, LLC., Herbertsville Road in the amount of \$931.09

Tax Collector

Business Administrator Bergin advised of the following:

- 100% DAV/Widow of Veteran Refund & Cancel Taxes – Block 869.02, Lot 3
- 100% DAV/Widow of Veteran Refund & Cancel Taxes – Block 662, Lot 21
- Tax Overpayments – 2022 – Block 576, Lot 27 & Block 1427, Lot 6

Council Vice President Crate opened the public hearing on the Resolutions.

There were no comments from the public.

Council Vice President Crate closed the public hearing on the Resolutions.

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

There were no comments from the public.

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

Motion by Councilman Halloran and seconded by Councilwoman Zapcic to adopt the following Resolution:

All Council Members voted AYE on Roll Call.

2022 Computer Bill Resolution in the amount of \$10,718,140.31

Council Vice President Crate opened the public hearing on the Manual Bill Resolution.

There were no comments from the public.

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

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

All Council Members voted AYE on Roll Call.

2022 Manual Bill Resolution in the amount of \$1,912,876.57

Ordinances on First Reading: Adopting Chapter 257 – Light Trespass in Residential Areas

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

Councilman Halloran explained the Council's Land Use Committee is requesting this ordinance to address light pollution at residential properties. The ordinance includes a prohibition on light trespassing in residential areas and outlines prohibited acts. Those include: placing or maintaining spotlights or other types of artificial lighting that provide a concentrated beam of light extending beyond any property lines; and placing or maintaining spotlights or other types of artificial lighting extending beyond the vertical plane of the face of any building or structure that causes a beam of light to be reflected upon any adjoining property or public street. Motion detector lights are exempt. The police, code enforcement and zoning will have the ability to enforce this code. Existing lights are not grandfathered.

Motion by Councilwoman Zapcic and seconded by Councilman 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, STATE OF NEW JERSEY ADOPTING CHAPTER 257
ENTITLED LIGHT TRESPASS IN RESIDENTIAL AREAS**

Ordinance on First Reading: Authorize Agreement with LCP Sports II Urban Renewal, LLC
Clerk Iannarone read the title of the Ordinance into the Record.

Mayor Ducey explained this ordinance establishes a Payment in Lieu of Taxes agreement with LCP Sports II Urban Renewal LLC, developers of the Superdome site. The sports dome developers have faced financial challenges as a direct result of the pandemic and its effect on the economy. The developer is fully committed to the Superdome project in Brick but cannot raise the capital without a Payment in Lieu of Taxes (PILOT) agreement with Brick Township. Tax exemptions, abatements and collection of payment in lieu of taxes (PILOT) are authorized by the New Jersey Constitution. In PILOT agreements, an annual service charge replaces the conventional tax on improvements. Annual service charges are a critical tool in the municipal toolkit to effectuate redevelopment of underutilized and unproductive properties by helping to close the feasibility gap. The term is the earlier of 30 years from Redevelopment Project completion or 35 years from the execution of the Financial Agreement. The PILOT is based on a percentage of project revenue or percentage of project cost. He said that the annual service charge works as a municipal lien, collected in the same manner as conventional property taxes. After expiration of the Financial Agreement, the property is subject to conventional property taxes. He added there is "but for" criteria which must be met, meaning "but for" the Annual Service Charge, the redevelopment project would not be built as designed by the developer and approved by the municipality. This project meets those requirements. Five percent of the PILOT is paid to the County, with 95 percent going to the Township (the Township currently keeps less than 1/3rd of conventional tax dollars). The school district will also benefit in the guaranteed use of time at the facility for no cost.

Motion by Councilwoman deJong and seconded by Councilman 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, IN THE COUNTY
OF OCEAN, NEW JERSEY APPROVING APPLICATION FOR A
LONG TERM TAX EXEMPTION AND AUTHORIZING THE
EXECUTION OF A FINANCIAL AGREEMENT WITH LCP
SPORTS II URBAN RENEWAL, LLC**

Ordinances on First Reading: Amend Chapter 460 – "Vehicles, Operation Of."
Clerk Iannarone read the title of the Ordinance into the record.

Council Vice President Crate advised the Township has received comments back from the Fish & Wildlife on the required "*Township of Brick Beach Management Plan for the Protection of Federally & State-Listed Species.*" She was pleased they were able to reinstate the April 30th date. She said this plan is a requirement of the Beach Replenishment Project scheduled for renourishment later this year. In its review, Fish & Wildlife made a comment specific to this ordinance. Fish and Wildlife requested the ordinance be amended to ensure protection of habitat areas. The Township agreed to protect these habitats with signage and fencing. Also, they have modified the beach buggy permit application so that applicants recognize and agree not to drive on habitat areas. Additionally, Brick PD will enforce the beach areas during buggy permit season to ensure compliance. At this time, the dates when beach buggies are allowed remains through the end of April as it has been for many years.

Motion by Councilman Halloran and seconded by Councilwoman Pontoriero 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 460 OF THE TOWNSHIP CODE
ENTITLED "VEHICLES, OPERATION OF," TO**

Council Vice President Crate opened the public hearing portion of the meeting.

Maureen Molz, 740 Drum Point Road, was pleased with the light trespassing ordinance. She brought two large boards containing photos of residences with lights that shine on hers and neighboring properties. She showed one residence with excessive lights producing a lot of glare. She said they cannot even see the night sky. She retired in 2019 and cannot enjoy a peaceful retirement with the lights shining through her windows. She said she has tried shades and has planted trees but they still shine through.

Theresa Demetriou, 11 Ritchie Court, was there with her husband Chris. She also was happy the council was adopting this ordinance. She has been suffering for two years with clear light bulbs mounted on 15 columns near her home. The light trespasses to inside her home and across the lagoon. She invited the Mayor and Council to view the picture boards they brought to the meeting.

Jim Hutchinson, 525 Ernestine Place, thanked the Mayor and Council for reinstating the original dates for the beach buggy permit. He will advise the other beach buggy organizations of the change and offered to assist with the signage. He asked if it would be finalized at the September 13th meeting.

Mayor Ducey replied yes and he thanked him for contacting the Congressman's Office.

John Sluka, 950 Sylvia Court, read his August 17, 2022 letter requesting the New Jersey Turnpike Authority install a pollution and sound wall and replant trees in various locations in the Township. He also questioned if there were any rules pertaining to motorized bicycles and whether or not they were allowed to ride on the sidewalks. He mentioned that Missy Parker recently resigned from the Board of Education due to relocating to another state. He said there is an opening on the Board of Education if anyone is interested.

Council Vice President Crate suggested he apply.

Nan Coll, 18 Greenbriar Boulevard, said that she does not agree with the five-minute time limit for public comments.

Vic Fanelli, 24 Meadow Point Drive, thanked the Mayor and Council for keeping the April 30 date in the beach buggy ordinance. He questioned the Sports Dome PILOT – why 30 years – and how did we come up with the amount for each year? He also thanked the Mayor for getting school time at the facility.

Mayor Ducey replied that it is based on revenue and assessment. He said the previous tax assessor assisted. The 30-year time frame is State law – there are two choices, 30 or 35 years.

Township Attorney Starkey added that it is based on the New Jersey Tax Exemption Law.

Vic Fanelli also thanked the county for the nice repaving job done on Drum Point Road.

Mayor Ducey said he would let the County Engineer John Ernst know.

Mickey (Atkinson?), 217 Van Zile Road, also questioned the reason for the Sports Complex tax exemption and how does it help the Township and will it ever be built.

Mayor Ducey responded that with normal taxes, the Township only receives 28.9 percent of the amount collected, with a PILOT they get 95 percent and they were also able to obtain time use for the school district. It will be built now and it is important for the front commercial portion and with this incentive it will.

There were no further comments from the public.

Council Vice President Crate closed the public hearing portion of the meeting.

Mayor Ducey advised school will be starting soon and to drive carefully. He mentioned the Township will be holding our annual 9-11 Service on Sunday, September 11 at 6pm at Windward Beach Park. He also told residents to enjoy the rest of their summer.

Councilwoman deJong advised of upcoming senior events and to check out the September calendar of events and call Senior Services to register.

Councilman Halloran congratulated Eagle Scout Ryan Costello. He then spoke on behalf of Councilwoman Pontoriero (who had to step away) about the T.E.A.M. Program at Maple Leaf where police meet with students on a regular basis.

Council Vice President Crate advised the next meeting will be held on September 13, 2022.

Motion by Councilwoman deJong and seconded by Councilman Halloran to Adjourn the meeting at 7:55 p.m.

All Council Members voted AYE.

Lisa Crate
Council Vice President

Lynnette A. Iannarone
Township Clerk