

September 27, 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  
Councilman Arthur Halloran  
Council Vice President Lisa Crate  
Council President Vince Minichino

Also Present

Mayor John G. Ducey  
Scott Kenneally, 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 January 7, 2022. 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)).

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, Engineering, Sewer & Water and Vital Statistics Reports for the month of August.

Motion by Council Vice President Crate and seconded by Councilwoman Zapcic to dispense with the reading of the minutes of the September 13, 2022 Meeting and approve same.

All Council Members voted AYE on Roll Call.

Motion by Councilwoman deJong and seconded by Councilman Halloran to adopt the following resolutions.

All Council Members voted AYE on Roll Call.

**Authorize Receipt of Bids – Pavement Markings, Various Locations**

Councilwoman Zapcic stated this resolution authorizes the receipt of bids for pavement markings at various locations throughout town. Each year, the Township Engineer solicits bids for a contractor to complete striping work as needed.

**Authorize Receipt of Bids – Purchase & Delivery of Various Doors**

Councilwoman deJong said this resolution authorizes the receipt of bids for the purchase and delivery of various doors throughout the Township. This bid is for doors used throughout the Township for in-house construction projects. These materials will be needed on various projects during the year including renovation of the future Senior Center on Aurora Place and construction of a new Special Operations Garage to be constructed at the rear of the Town Hall property.

**Authorize Contract – Purchase & Delivery Front Load Dumpsters**

Councilwoman Pontoriero advised this resolution authorizes a contract for the purchase and delivery of front load dumpsters to CS Products, in the amount of \$2,135.00 per container, with a total of 10 containers. Bid notices were provided to 44 prospective bidders from the bidders list and four picked up bid packages. One bid was received. These dumpsters are being acquired through the 2022 Recycling Grant.

**Authorize Award of Contract – New World Public Safety Software Suite for Brick Police Department**

Councilman Halloran stated this resolution authorizes the award of contract for an additional module of the New World Public Safety Software Suite to Tyler Technologies in the amount of \$19,744.00. New World Public Safety Software Suite is used by the Police Department. 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 Contracts with State Contract Vendors – Radio Console Equipment**

Councilman Halloran advised that this resolution authorizes a contract with state contract vendor PMC Associates in the amount of \$152,050.00 for radio console equipment, Specifically, this will

enable the Police Department to replace the existing consoles in the police dispatch center which were purchased in 2004. The system is so old that replacement parts are no longer available.

**Authorization to Terminate Contract & Award Contract to Next Lowest Bidder –  
Computer &  
Printer Supplies.**

Council President Minichino advised this resolution authorizes the termination of the contract with The Tree House for computer and printer supplies and awards the contract to the next lowest responsive and responsible bidder, which is MRA International, at an approved schedule of prices. The Tree House was the successful bidder for various items initially but has since notified the Township of the inability to fulfill its obligations and requested to rescind their bid.

**Authorize Close-Out Change Order #1 – Roadway Resurfacing Pine Terrace Section**

Council Vice President Crate stated this resolution authorizes a change order and contract close out in the contract with S Brothers for the roadway resurfacing project in the Pine Terrace section of the Township. This change order reflects a contract decrease in the amount of \$11,468.26.

**Authorize Approval of Annual Compensation for Board of Fire Commissioners, Districts Nos. 1, 2 and 3.**

Councilman Albanese said this resolution approves the compensation as approved by the Brick Township Board of Fire Commissioners for firefighters in District 1, 2 and 3. This resolution is in accordance with state law that requires municipal governing bodies to review and approve the annual compensation proposed for members who serve on a board of fire commissioners.

**Authorize State Aid Agreement with NJDEP for Beach Renourishment**

Mayor Ducey explained this resolution authorizes the State Aid Agreement with the NJDEP for the Beach Renourishment project that is scheduled to go out for bid this fall. In this agreement, Brick beaches will be renourished as needed. Municipalities included in this project are responsible for the 25 percent of the non-federal share, 50 percent of which will be covered by Ocean County. The Township's funds are set aside in an existing beach replenishment ordinance.

**Bond Releases/Reductions:**

Clerk Iannarone advised of the following:

- Inspection Fund Release – 2026 Route 88, LLC - Block 1029, Lots 20, 21 & 22 in the amount of \$4,800.29
- Inspection Fund Release – Guzzi Masonry & Paving, LLC – Block 830, Lot 31 in the amount of \$2,127.32
- Inspection Fund Release – HBI, Inc. – Block 1149, Lot 5, 5.01 & 6 in the amount of \$38.75
- Inspection Fund Release – The Farm @ 511 LLC/Merri-Makers Caterers – Block 1383, Lot 2 in the amount of \$840.14
- Inspection Fund Release – 46 Princeton Avenue, LLC – Block 869, Lot 15 in the amount of \$324.64

**Tax Collector:**

Business Administrator Bergin advised of the following:

- 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 124.03, Lot 1
- 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 1051, Lot 6
- 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 1124, Lot 2.13
- 100% DAV/Widow of Veteran Cancel & Refund Taxes – Block 377.08, Lot 42
- Tax Exemption & Refund Taxes – Block 548, Lot 17

**Authorize Execution of Addendum Agreement – Pro-Champs**

Councilwoman deJong stated In June, the Township was notified of changes incurred by New Jersey legislation and its impact on vacant and abandoned property registrations. That legislation requires the establishment of an escrow fund until the modifications to the ordinance are complete. This addendum establishes that escrow fund.

Council President Minichino opened the public hearing on the Resolutions.

There were no comments from the public.

Council President Minichino closed the public hearing on the Resolutions.

Council President Minichino opened the public hearing on the Computer Bill Resolution.

There were no comments from the public.

Council President Minichino closed the public hearing on the Computer Bill Resolution.

Motion by Councilwoman Pontoriero and seconded by Councilman Albanese to adopt the following Resolutions:

All Council Members voted AYE on Roll Call.

Council President Minichino abstained on the Teamsters and voted AYE on the remainder.

**2022 Computer Bill Resolution in the amount of \$11,380,481.35.**

Council President Minichino opened the public hearing on the Manual Bill Resolution.

There were no comments from the public.

Council President Minichino 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 \$1,841,162.71.**

**Ordinance on First Reading: Authorizing the Acceptance of Donation of Property – Block 210.31, Lots 4, 5, 6, & 7.**

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

Councilwoman Zapcic explained this acceptance of property came as the result of a recommendation by the Township's Land Use Committee. The owner of 69 Hollycrest (vacant lots 210.31, Lots 4, 5, 6, and 7) contacted the Township about donating the land to the municipality. These lots are a hardship to build on due to the classification of wetlands. As a result, they would like to donate the lots to Brick.

Motion by Councilwoman Zapcic and seconded by Council 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.

**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 210.31, LOTS 4, 5, 6 AND 7 FOR NO CONSIDERATION**

**Ordinance of First Reading: Amend Chapter 288 – No Parking Davos Road.**

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

Council President Minichino stated the Council's Public Safety Committee is recommending consideration of this ordinance based on Brick Township Police Department's Traffic Safety Unit and Engineering Division evaluation of Davos Road to address concerns raised about emergency vehicle access. In accordance with New Jersey's Residential Site Improvement Standards, parking on residential streets is permitted on both sides of a road when the road has a minimum pavement width of 30 feet. Parking is permissible on one side of a road when there is a minimum pavement width of 28 feet. Davos Road has a variable pavement width that is approximately 29-feet wide close to its intersection with Princeton Avenue, and tapers to approximately 24 feet at its northerly terminus just prior to the semi-circular area provided to allow vehicles to turn around. At its narrowest point, Davos Road is approximately 21 feet in width. The road width tapers, but essentially is not enough to support on street parking. He

explained that the road width has been studied by Traffic Safety, the Fire Department, and Engineering, who are recommending on-street parking be restricted on Davos Road.

Motion by Councilwoman Pontoriero and seconded by Councilman Albanese 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 THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK IN CHAPTER 288-31, TO PROHIBIT PARKING ON DAVOS ROAD**

**Ordinances on Second Reading: Amending Chapter 329 – “Registration of Defaulted Mortgage and Vacant Property”.**

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

Councilwoman deJong explained in 2018 the Township contracted with Pro Champs to handle the registration of vacant and abandoned properties in the Township. In August 2021, a Superior Court ruling determined that that municipalities had a legitimate interest in passing regulations seeking to address vacant and abandoned properties. However, ordinances in question too broadly define what a vacant and abandoned home is, and required municipalities to better define vacant and abandoned properties. This ordinance amends the existing ordinance to bring it in line with the goals outlined by the Judge and address the Court’s ruling.

Council President Minichino opened the public hearing on the ordinance.

Nan Coll, 18 Greenbriar Boulevard, questioned this ordinance and asked for more explanation. She said more information should be made available for the residents.

Attorney Kenneally explained this ordinance makes lenders responsible to maintain properties once they go into foreclosure and allows provisions for them to register and notify the township, it applies to vacant and/or foreclosures.

Clerk Iannarone advised ordinance information is posted on the public bulletin board and township website on the Friday prior to the meeting.

Vic Fanelli, 24 Meadow Point Drive suggested helping Mrs. Coll obtain the information too.

There were no further comments from the public.

Council President Minichino 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 THE TOWNSHIP CODE OF THE TOWNSHIP OF BRICK, CHAPTER 329, TO BE ENTITLED "REGISTRATION OF DEFAULTED MORTGAGE AND VACANT PROPERTY"**

Council President Minichino opened the public hearing portion of the meeting.

John Sluka, 950 Sylvia Court, read his September 23, 2022 letter regarding the health issues created by the New Jersey Turnpike Authority from the Garden State Parkway project. He also added that he did not feel the school was getting their fair share from the community center PILOT. He also mentioned to apply for the tax ANCHOR program.

Harry Appleheimer, 26 Lagoon Drive West, spoke of the Nejecho Beach dredging project and said the added assessment was only charged to 25 residents but should have been charged to 27. The two end properties were omitted per the past and current Tax

Assessor and he felt should have been included because they will also benefit. He also stated that he did not feel they should be charged for tipping fees because the sand is being added onto the beach at Windward Beach Park and the Township is benefiting from that replenishment. He left a packet of information and photos for the Mayor and Council Members.

Nan Coll, 18 Greenbriar Boulevard, said things are upsetting her and asked the council members to respond to her statements during their comments. She asked if council members were given a handbook regarding their duties.

Tim Engelhardt, 30 Davos Road, said he is a six-year resident and has corresponded with the Mayor previously about his other neighborhood. He asked the council to come up with better solutions for Davos Road such as one side of the street or permit parking. He also advised of tree that is at the smallest section of the street, which is 21 ft., and suggested eliminating or have no parking at that location. He said that was the issue when the emergency vehicle could not get through. He added that it will be an issue if and when he tries to sell his home.

Anthony Natale, 14 Davos Road, thanked the council for outstanding work to address Davos Road but said there should be enough room for one-side of the street parking.

Sam Foster, 108 Teakwood Drive stated there are seminars for newly elected officials. He also stated that Royal Farms has an opening date of December 8<sup>th</sup>. He complimented three Code Enforcement staff members that he recently dealt with noting they were very polite and helpful.

Len Linardakis, 45 Davos Road, noted this is the first council meeting he has attended but is concerned with the full parking restriction being imposed tonight. He said he has lived on Davos Road for twenty years and there has only been one instance of an issue. He also spoke of the tree shortening the street width. He suggested restricting parking to one side of the street and no parking by the tree.

Ed Rilho, 30 Lagoon Drive West, was upset about the two properties in Nejecho Beach omitted from the added assessment. He said those properties are each gaining 80 ft. of dockable space now.

Vic Fanelli, 24 Meadow Point Drive, thanked Shorebeat reporter Dan Nee for the sport's complex information. He asked why the county is entitled to 5 percent of the PILOT. He also questioned \$280,000.00 referenced in the ordinance and why there are discrepancies in the numbers. He noted there is only 3 hours of court time per week for the school to share with the Recreation Department and that the Township Recreation Department would be doing the scheduling. He did not think the school would want the extra costs involved with transporting the students.

Attorney Kenneally advised it is the state legislation for the County to receive 5 percent of the PILOT.

Mayor Ducey said the \$174,000.00 he mentioned was only an estimate and it will be based upon revenue plus administrative fees. He advised the facility requested one point of contact. There are two athletic directors so the Township Recreation Director was appointed. He also said that Recreation has a facility and would probably not use the community center but the high schools could use in inclement weather for practices.

Gary Saarloos, 32 Davos Road, is a 46-year resident and this recent problem has been the only one on Davos Road. He said he only has a single car driveway and his son and grandson live with him and each have a car. He asked where are they supposed to park. He noted that the problem occurs when SummerFest is taking place and with Windward Tavern having outdoor dining in their parking lot. He asked for the Township to widen the roadway. He added that the contractor should have constructed the road properly.

Council President Minichino replied that the council is here to listen to his concerns.

Carol Kellner, 43 Davos Road, supported her neighbors and is concerned for safety but some residents only have single driveways. When the restaurant did outdoor dining, they

used their parking lot and when they have events, the patrons park on the street. Under normal circumstances there are very few cars parked on the street.

Tim Engelhardt, 30 Davos Road, said he is all in favor of SummerFest, Windward Beach and Windward Tavern but the no event parking is not enforced and that is when the issue occurred.

There were no further comments from the public.

Council President Minichino closed the public hearing portion of the meeting.

Business Administrator Bergin congratulated the attending Police Officer George Williams on his upcoming retirement.

Mayor Ducey also congratulated P.O. Williams. He announced upcoming fall events: Challenger Halloween, Craft & Vendor Fair, Construction Drop-Off, Town-wide Yard Sale, Fall Fest and Trunk or Treat.

Councilwoman Zapcic questioned the township attorney about the terms of the sports complex use and whether or not time was divided between the schools and township.

Township Attorney Kenneally advised it is not divided but it is an administrative issue to have one point of contact.

Councilwoman deJong mentioned upcoming October Senior Services events including the Vendor Fair and Halloween Party.

Councilwoman Pontoriero thanked the residents for coming to the meeting and expressed her appreciation for their comments. She noted that Friday, October 7<sup>th</sup> at 10:00 a.m. is the Italian Flag Raising for Italian Heritage Month.

Councilman Halloran thanked P.O. Williams for his service and wished him luck on his retirement.

Council Vice President also congratulated P.O. Williams on his retirement.

Council President Minichino congratulated P.O. Williams and announced the next meeting would be October 11, 2022 at 7:00 p.m.

Motion by Council Vice President Crate and seconded by Councilman Halloran to Adjourn the meeting at 8:25 p.m.

All council Members voted AYE.

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Vince Minichino  
Council President

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Lynnette A. Iannarone  
Township Clerk