

July 11, 2023

A 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.

Township Clerk Iannarone announced adequate notice of this meeting was provided and published in the Asbury Park Press and The Ocean Star on January 27, 2023. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net)

Present

Councilman Perry Albanese
Councilwoman Marianna Pontoriero
Councilman Derrick Ambrosino
Councilwoman Melissa Travers
Council Vice President Andrea Zapcic
Council President Heather deJong

Also Present

Lisa Crate, Mayor
Scott Kenneally, Township Attorney
Lynnette A. Iannarone, Township Clerk
Joanne Bergin, Business Administrator

Absent

Councilman Vince Minichino

The meeting began with the Pledge of Allegiance followed by a moment of silence.

The Council accepted the reports from the Municipal Officers and Council President deJong asked Clerk Iannarone to file same.

Motion by Councilman Ambrosino and seconded by Councilman Albanese to dispense with the reading of the minutes from the June 27, 2023 Meeting and approve same.

All Council Members voted AYE on the Roll Call – Councilwoman Marianna Pontoriero abstained due to her absence.

Presentations:

Council President deJong invited Mayor Crate, Councilwoman Travers and Eagle Scouts Jack Pristas and Henry L. Rogacki of Troop 39 to the front to recognize them for their Eagle Scout achievement. Councilwoman Travers congratulated both boys and asked them to explain their projects. Henry explained his project was a “Blessing Box” placed at Ivy Hall and is a pantry for those in needs. Jack said he made a kiosk to commemorate veterans in the cemetery at Laurelton Baptist Church. Mayor Crate and Councilwoman Travers presented the boys with certificates of commendation.

Motion by Councilwoman Travers and seconded by Council Vice President Zapcic to Adopt the following resolutions.

All Council Members voted AYE on the Roll Call.

Authorize Insertion of Chapter 159 – American Rescue Plan Act

Council President deJong advised this resolution authorizes the insertion of a grant in the amount of \$47,882.00 for Brick’s Senior Services congregate nutrition program. This funding is being provided by the Ocean County Office of Senior Services and will be used to enhance the community café program. Thanks to this grant, once a month the Senior Services staff will offer a hot meal at the Brick Township Housing Authority and provide outreach services.

Authorize Insertion of Chapter 159 – Community Development Block Grant (CDBG)

Councilwoman Travers stated this resolution authorizes the insertion of a grant in the amount of \$309,179.00 from the US Department of Housing and Urban Development – Office of Community Planning and Development for the 2023 Community Development Block Grant. In this grant, the Township receives funds for home improvements to income-qualified senior citizens and also awards grant funds to non-profit organizations that serve the public.

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Authorize Cancellation of Outstanding Checks – Municipal Court Bail Account

Councilwoman Pontoriero said this resolution authorizes the cancellation of outstanding checks in the amount of \$105.00 in the Municipal Court's bail account and \$175.00 in the General Account.

Authorize Receipt of Bids - Snow Removal Services

Councilwoman Travers advised this resolution authorizes the receipt of bids for snow removal services. The current three-year contract expires on November 10th. To date, the Township has encumbered approximately \$657,000.00 under the current three-year contract. There are eight categories in this bid to ensure the proper equipment is available to take care of the Township's snow removal needs.

Authorize Award of Contract – Nixle360 Maintenance & Support Services

Council Vice President Zapcic stated this resolution authorizes an award of contract in the amount of \$10,609.00 with Everbridge to provide maintenance and support of Nixle360, the communications system used by the Police Department to text or email out safety alerts and other important timely messages.

Authorize Award of Contract – Dispatch Radio Console Equipment Upgrade

Councilman Ambrosino advised this resolution authorizes an award of contract in the amount of \$171,611.30 with PMC Associates for an upgrade to the Police Department's Dispatch radio console equipment. This purchase is being processed through a New Jersey State Contract vendor.

Authorize Award of Contract through Hunterdon County Educational Services

Commission Cooperative – Satellite Receiver at Route 35

Councilman Albanese stated this resolution authorizes an award of contract in the amount of \$145,099.11 with PMC Associates for a satellite receiver needed on the infrastructure located on the Barrier Island for essential communications. This purchase is being processed through the Hunterdon County Educational Services Commission Cooperative Purchasing Program.

Authorize 2023-2024 Plenary Retail Consumption Liquor License Renewals – JSM at Brick IV, LLC

Councilwoman Pontoriero explained this resolution authorizes the plenary retail consumption liquor license renewal for JSM at Brick. This license is being renewed pending a location, which is specified as a family style restaurant with a varied menu and seats 125 people.

Authorize Place-to-Place Transfer of Plenary Retail Distribution License – BRIX NJ License LLC

Council Vice President Zapcic advised this resolution authorizes a place-to-place transfer of the plenary retail distribution license issued to BRX LLC for the Brixmore Shopping Center on Route 88.

Authorize Special Events Permit – Beach to Bay 5K

Councilman Albanese stated this resolution authorizes a special event permit for the Beach to Bay 5K scheduled from 7 am to 11:30 am on October 14, 2023. The event starts and finishes at Brick Beach III.

Bond Releases/Reductions:

Business Administrator Bergin advised of the following:

Cash Performance Bond Release – Block 382.31, Lots 6 & 7 in the amount of \$4,680.00

Council President deJong opened the public hearing on the Resolutions.

There were no comments from the public.

Council President deJong closed the public hearing on the Resolutions.

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

There were no comments from the public.

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

Motion by Councilwoman Pontoriero and seconded by Councilman Ambrosino to adopt the following Resolution:

All Council Members voted AYE on the Roll Call.

Computer Bill Resolution in the amount of \$1,305,234.10.

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

There were no comments from the public.

Council President deJong closed the public hearing on the Manual Bill Resolution.

Motion by Councilman Albanese and seconded by Councilman Ambrosino to adopt the following Resolution:

All Council Members voted AYE on the Roll Call.

Manual Bill Resolution in the amount of \$1,909,095.99.

Ordinance on First Reading - Amending Chapter 288-52 – “Vehicles and Traffic”

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

Councilman Ambrosino explained that most statutes that pertain to motor vehicle laws and the Motor Vehicle Commission are in Title 39 of the New Jersey States Annotated. When a property owner located outside of a public right-of-way wants to enforce the provisions of Title 39, an application is made to the Township to include the property in the Township Code Section 288-52, Schedule XXII. This gives the Police the ability to enforce motor vehicle rules and regulations on that private property. This ordinance lists various locations where property owners have applied to the Township for inclusion in the private property enforcement areas. These sites have all been inspected by the Division of Engineering to ensure that traffic signs and markings are properly installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). While the Police will have the ability to enforce motor vehicle regulations, the Township will have no liability or obligation with respect to site maintenance.

Motion by Councilwoman Travers 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 the Roll Call.

**AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE
IN SECTION 288-52 TO ADD LOCATIONS FOR THE POLICE DEPARTMENT TO
ENFORCE MOTOR VEHICLE REGULATIONS ON PRIVATE PROPERTY**

Ordinance on Second Reading - Authorize Sale of Township Land to Homes Now, Inc. – Block 842, Lot 14, 14.01 and 15

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

Mayor Crate advised the Township Council’s Land Use Committee is recommending this ordinance which conveys Block 842, Lot 14 (0.5 acre irregularly shaped lot) at 1707 Rt. 88 West to Homes Now, Inc. to develop an 8-unit apartment project for Affordable Housing for Veterans. This will be a rental property that requires income qualified residents and would be managed by Homes Now, Inc. The apartments are proposed to be one and two-bedroom units and as someone very supportive of veterans as the council is, she said that she is very excited about this ordinance.

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Council President deJong opened the public hearing of the Ordinance.

John Sluka stated that they have been preserving property and now we they selling property to develop. He asked what the goal is and if they are going to determine on a case by case basis.

Charlie Bacon said that he believes this sale is a great thing and although veterans were mentioned in the explanation, the ordinance did not reference it. He had numerous questions and concerns such as: is it for low-income veterans; the sale and value of the property; the right of first refusal; the maximum allowed restricted sale; the criteria that selected Homes Now, Inc.; did they approach them or did they approach us; a two-year control period; do conditions need to be met with the boards and will their costs be addressed. It seems to be a pretty complicated ordinance and why not a memorandum of agreement? He said that he is supportive of it but has a lot of questions.

Township Attorney Kenneally responded that it is State Statue when they convey land to do an ordinance. He explained that they can sell at public auction or sell for a specific reason such as to construct affordable housing for nominal fee – in this case for \$1.00, to a non-profit in business to construct low-moderate income affordable housing. They can have builders set aside sites or they can construct projects such as the Chambers Bridge Residence which was built on Brick owned property and the Bancroft Facility for developmentally disabled, both conveyed to Homes Now to satisfy the COAH obligation. He said that they acquired this site under tax foreclosure years ago. It is a lot on Rt. 88 and the planners thought it was an appropriate location with transportation available and the hospital is nearby. Homes Now has been managing the Township's affordable housing for many years. The property will have a 50-year deed restriction and the right of first refusal is that if in that 50 years, they want to sell to another management company, the Township has control over who will manage. At the end of 50 years, the Township has the option to buy it back at fair market value based on affordable housing rates.

Council President deJong added that affordable housing is not allowed to be restricted to one set group so it will be veteran's preference.

There were no further comments from the public.

Council President deJong closed the public hearing on the Ordinance.

Motion by Councilman Ambrosino and seconded by Councilwoman Pontoriero to adopt the following Ordinance on Second Reading and said Ordinance be published as provided by law:

All Council Member voted AYE on the Roll Call.

AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE SALE OF TOWNSHIP LAND KNOWN AS BLOCK 842, Lot 14, 14.01 and 15, LOCATED AT 1707 ROUTE 88

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

John Sluka read his letter dated July 7, 2023, about how the NJ Turnpike Authority Parkway construction is causing health issues such as autism, asthma, COPD and cancer. A 14-20-foot-high wall is needed in areas affected. Brush that was destroyed should be replanted. The National Library of Medicine and Nurses magazines confirm health issues can be caused by air pollution. He also mentioned sidewalk issues on Burnt Tavern Road for those riding bikes or walking to the Bernie Cooke Park and advised of the upcoming Board of Education meeting on Thursday.

Council President deJong advised Burnt Tavern is a county road.

Erin Reynolds & Angela DiGiovanni spoke of a house in their neighborhood that is being rented on Airbnb. Ms. Reynolds said they called Code Enforcement and Police and

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commended the awesome jobs done by Brunson Powner and Officer Finelli. It is owned by a Lakewood LLC and being rented out for \$1,000.00 per night and every weekend multiple families are using it. She emailed Code Enforcement on Saturday of 4th of July weekend and received an email same day. She is aware there are penalties. They had to call the police Friday, Saturday and Sunday that weekend. They have concerns because it is a quiet neighborhood.

Business Administrator Bergin advised Code Enforcement can issue penalties if they do not take the listing down and if they continue they could face fines up to \$2,000.00 per day – but it up to the judge to enforce at code court, which is held once a month.

Ms. DiGiovanni said it is scary having all these strangers in our neighborhood. Ms. Reynolds said its not just one family and appreciates the police efforts but knows they are busy. She hopes the town is able to get it shut down.

Jane Scofield said she was in Ireland and brought back safety issued high visibility vests that bike riders and walkers wear so they are more visible. She said some restaurants also buy and advertise on them. She thought it was a good idea and wanted to bring it to the town's attention.

Council President deJong thanked her.

There were no further comments from the public.

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

Mayor Crate advised of a letter from the State approving the \$1.2 million to purchase the Breton Woods property and she gave a shout-out to the BOSS Committee and everyone that worked so hard on preserving this site. She attended the Normandy Beach July 4th Annual Flag Raising Ceremony that honors veterans and military and the first SummerFest held on July 6th with Super Trans Am and fireworks and noted it was the largest crowd with approximately 10,000 attendees. She thanked Parks, Recreation, Police, EMS, Fire and Cert for their hard work as it takes a lot of hands to pull off such a large event without issues. She also went to Ocean University Medical Center on July 7 for a tour. She said the hospital is doing a lot of great things and they are fortunate to have a hospital and they are looking to partner with groups. Last night she visited Wedgewood Place along with Council President deJong and Councilman Minichino and it gave them an opportunity to answer questions for them. Today she went on the Brick Garden Club's Secret Gardens Tour and visited spectacular gardens. They also had a sale and gift auction at the Cultural Arts Center. It is their biggest fundraiser and all proceeds go to beautify Brick Township. She is continuing her Crate Conversations and last one she interviewed Marilyn Lago who manages the Visitation Community Lunch held the third Thursday of every month.

Councilwoman Pontoriero thanked Charlie Bacon for his questions on the ordinance and noted as Mr. Kenneally advised, they are under obligation for affordable housing and it will be preferred for veterans giving them the opportunity to stay in Brick and be close to the hospital. They also can provide transportation to Senior Services. She thanked the two women for bringing the Airbnb property to their attention and it reminded her of why it was important to put that short-term rental ordinance in place.

Councilman Ambrosino noted that the Mayor did a great job mentioning the events and last week's SummerFest was fantastic, the band and the crowd!

Councilwoman Travers and Council Vice President Zapcic both congratulated the newest Eagle Scouts – Jack and Henry and said it is uplifting to see them serving the community.

Council President deJong thanked all the employees for working on SummerFest. She said it is not an easy feat and they do a great job. The next meeting will be on July 25th at 7pm.

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Motion by Council Vice President Zapcic and seconded by Councilman Ambrosino to Adjourn the meeting at 7:51 p.m.

All Council Members voted AYE.

Heather deJong
Council President

Lynnette A. Iannarone
Township Clerk