

October 10, 2023

A meeting of the Township Council was held in the Municipal Building at 7:00 p.m. and was called to order at 7:01 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
Councilman Derrick Ambrosino
Councilman Vince Minichino
Councilwoman Marianna Pontoriero (7:02)
Council Vice President Andrea Zapcic
Council President Heather deJong

Also Present

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

Absent

Councilwoman Melissa Travers

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

Motion by Councilman Ambrosino and seconded by Councilwoman Pontoriero to dispense with the reading of the minutes from the September 26, 2023 meeting and approve same.

All Council Members voted AYE on the Roll Call

Presentations:

National Friends of Libraries Week

Mayor Crate proclaimed the week of October 15 – 21, 2023 National Friends of Libraries Week in Brick Township. She presented the Brick Branch of the Ocean County Library with a Mayor's proclamation honoring same. Marilyn Lago, President of the Brick Friends of the Library thanked the Mayor and Council and advised of a few of their upcoming October events they have planned. She welcomed new members and invited residents to stop by. They meet the first Wednesday of every month. Librarian Natalie accepted and thanked the Mayor for the proclamation on behalf of the new branch manager.

Eagle Scout

Mayor Crate honored Aedin Joseph Naiduk of Troop #39 on earning Eagle Scout. Aedin's project was to assist a non-profit animal shelter, All Fur One Animal Adoption Center, who rescues from a kill center in Virginia. He decided to help there because he loves animals. He helped organize and make a better environment for the staff and animals. He created a more welcoming atmosphere by installing planters, building a bench and installing a custom-made welcome sign. Mayor Crate presented Aedin with a certificate of commendation.

Motion by Councilwoman Pontoriero and seconded by Councilman Albanese to Adopt the following Resolutions.

All Council Members voted AYE on the Roll Call.

Authorization to Bid – Roadway Improvements to Laurel Manor

Councilman Ambrosino stated this resolution authorizes the receipt of bids for the roadway improvements to the Laurel Manor Project. The project scope includes paving parts of Elizabeth Avenue, specifically south of Princeton Avenue, as well as Laurman Avenue, Johnson Street, Robertson Court and Freedom Road.

Authorization to Bid – Fire Safety Services

Councilman Minichino and Council President deJong explained this resolution authorizes the receipt of bids for fire safety services. This is a new bid requested by the Township's Safety Inspector and Buildings & Grounds Supervisor due to spending on these services over the past two years. This bid will include the following services: annual fire panel inspections and testing at various Township locations; annual device inspections and testing; alarm system monitoring; annual system monitoring; annual

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sprinkler system inspections at various Township locations; and repairs of all devices and equipment. The Township currently solicits these services through formal quotes through cooperative agreements. Over the past year the Township has spent approximately \$45,000.00 with Allied Fire & Safety as well as Alarm and Communications Technologies for these services. Due to repairs becoming more frequent, spending has increased and it is better to have these services completed by one vendor.

Authorize Award of Contract – Floodplain Software License Renewal

Council Vice President Zapcic stated this resolution authorizes the award of contract for floodplain software license renewal to Forerunner Industries, San Francisco, California, in the amount of \$13,500.00. The Forerunner software is used by the Engineering and Land Use Departments to assist in floodplain management, floodplain mapping and community outreach and education.

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

Councilman Albanese advised this resolution authorizes a shared services agreement with the Ocean County Prosecutor's Office for the Driving While Intoxicated Enforcement Program, which is aimed at identifying and removing intoxicated drivers from the roadway. As part of this agreement, Brick Township agrees to provide manpower when needed for enforcement. The township receives a flat hourly rate reimbursement for the police officers assigned to this enforcement.

Authorize Shared Services Agreement with Ocean County Prosecutor's Office – "Move Over" Law Enforcement Program

Councilwoman Pontoriero explained this resolution authorizes the execution of a shared services agreement with the Ocean County Prosecutor's Office for the Move Over law enforcement initiative. The law requires motor vehicle operators to reduce their speed and change lanes when approaching authorized vehicles displaying emergency lights. Such vehicles include police, fire and medical services, and also highway maintenance, tow trucks and official motorist aid vehicles displaying amber emergency lights. Where possible, drivers are required to move over to create an empty lane next to the emergency vehicle. When safely changing lanes is not possible, drivers must slow down below the posted speed limit prior to passing emergency vehicles. As part of this agreement, Brick Township agrees to provide manpower when needed for enforcement. The Township receives a flat hourly rate reimbursement for the police officers assigned to this enforcement.

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

Council Vice President Zapcic advised this resolution authorizes the execution of a Shared Services Agreement with the Ocean County Prosecutor's Office for the Drug Recognition Expert Callout Program, which is aimed at detecting and arresting impaired drivers throughout Ocean County. As part of this agreement, Brick Township agrees to provide manpower when needed for enforcement. The township receives a flat hourly rate reimbursement for the police officers assigned to this enforcement.

Bond Releases/Reductions: Clerk Iannarone advised of the following:

- Inspection Fund Release- Block 549, Lot 7 – Cash performance bond in the amount of \$53,560 along with an Engineering Inspection Fund release in the amount of \$4,835
- Inspection Fund Release- Block 673, Lot 8 in the amount of \$1,271.60
- Inspection Fund Release- Block 685, Lot 2 in the amount of \$649.12

Tax Collector: Business Administrator Bergin advised of the following:

- 100% DAV/Widow of Veteran Deduction – Block 194.15, Lot 14
- 100% DAV/Widow of Veteran Deduction – Block 270, Lot 60
- 100% DAV/Widow of Veteran Deduction – Block 974, Lot 1
- 100% DAV/Widow of Veteran Deduction – Block 1192.08, Lot 95
- 100% DAV/Widow of Veteran Deduction – Block 1328.06, Lot 20

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- 100% DAV/Widow of Veteran Deduction – Block 1362.32, Lot 18
- Tax Overpayment 2023 – Block 377.08, Lot 17

Council President deJong opened the public hearing on the Resolutions.

Sam Foster questioned two resolutions pertaining to the assistance with the Ocean County Prosecutor's Office and what was involved. He also asked if it included contacting a judge to have a blood sample drawn.

Council Vice President Zapcic advised trained officers are called upon to look for signs of impairment.

There were no further comments from the public.

Council President deJong closed the public hearing on the Resolutions.

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 Councilman Minichino and seconded by Council Vice President Zapcic to Adopt the following Resolution:

All Council Members voted AYE on the Roll Call.

Computer Bill Resolution in the amount of \$2,555.134.08

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 Council Vice President Zapcic 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 \$1,918,683.97

Ordinance on First Reading: Amending Chapter 288, Speed Limit on Herbertsville Road.

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

Councilman Ambrosino advised that in July, the Township received correspondence from Ocean County Engineer John Ernst in response to complaints received from multiple residents regarding speeding on Herbertsville Road. Two speed surveys were conducted along Herbertsville Road. The first from January 17, 2023 to January 23, 2023 in the vicinity of Sawmill Road. The second from January 24, 2023 to January 30, 2023 in the vicinity of Albermarle Road. The County's speed study and analysis included field measurement of vehicle speeds, review of 85th percentile and average speeds, and review of the number of vehicles exceeding the speed limit by 5 mph and 10 mph. In addition, they utilized the Federal Highway Administration speed management safety methodology to determine a recommended speed limit based on various factors. The existing speed limit on Herbertsville Road is 45 mph. The collected data supports lowering the speed limit to 40 mph from Maple Avenue to Lanes Mill Road. For the Township to agree to reduce the speed limit along Herbertsville Road from Maple Avenue to Lanes Mill Road, an ordinance must be presented to the County. The County will then install and maintain the required signage. (The Council's Public Safety Committee also discussed sidewalk and signage, specifically where the bike trail comes out (right across the Fire Training Center to the Havens Farm) and this was determined to be an ideal location for a crosswalk. The Township is working with the County

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Engineer's Office on a push button system that pedestrians can activate when they are going to cross, and the County will install the system under the existing Schedule C agreement.)

Motion by Councilwoman Pontoriero and seconded by Councilman Ambrosino 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 OF THE TOWNSHIP OF BRICK, TO LOWER THE SPEED LIMIT ON HERBERTSVILLE ROAD

Ordinance on Second Reading: Amending Chapter 18, "Fire Department"

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

Councilman Minichino explained the Joint Board of Fire Commissioners requested that the Council consider amending the Brick Fire Code, specifically section 18-2 Members and Officers. They proposed including language that clarifies the age requirement for membership eligibility, specifically, firemen of the age of 18 years and not more than 57 years of age at the time of their election to membership. In Section 18-4 Certificate of Service, the Fire Commissioners requested adding the same age requirement as well as a requirement to perform 25 percent of fire duty during that period. The same language requiring performing 25 percent of fire duty is being requested in section 18-5 Exempt firemen's certificate. The request came as a result of the Fire Commissioners plan to have the Township ordinance be consistent with State Statute 40A: 14-56.

Motion by Council Vice President Zapcic and seconded by Councilman Ambrosino to Adopt the following Ordinance on Second 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 OF THE TOWNSHIP OF BRICK IN CHAPTER 18, "FIRE DEPARTMENT," TO BE CONSISTENT WITH STATE LAW REGARDING AN EXEMPT FIREFIGHTER'S CERTIFICATE

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

Sam Foster asked what could be done to enforce traffic laws. He had to buy a new car because he was involved in an accident. He lives off Chambers Bridge Road and people are constantly making illegal U-Turns. He mentioned that Lakewood has a monitoring camera and suggested looking into getting one here. He said it could also help with recent break-ins and car thefts.

John Sluka read his letter dated October 5, 2023 which stated that a third of air pollution comes from vehicles and that the New Jersey Turnpike Authority only cares about themselves. He said that elected officials need to stand up to them and that a 14 - 20-foot-high pollution and sound wall is desperately needed in many areas of Brick.

Nan Coll said she did research years ago for the Friends of the Library to get their 501C-3. She further stated that the roads were not designed properly and the speed limits are too high. She suggested the speed limit should be lowered to 25 mph throughout town.

Justin Delaney questioned how the council could vote for something without knowing all of the answers such as the two resolutions questioned by Mr. Foster. He said only Council Vice President was able to explain and no one else and he found it interesting that they were passed unanimously.

Mark Vasquez said he was bringing four ethics violations to the County against the Mayor and Council because he considers their political flyer unethical.

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Council President deJong advised this is not a campaign, it's a government meeting.

Mark Vasquez replied this is public comment and you cannot pick and choose who can speak. He said they pay their salaries and benefits and reminded that he asked the council to reprimand the Mayor at the last meeting. He said many people noticed what he discussed about the flyer at the last meeting and if anyone else would like to file a complaint, to come to see him at his office. He's waiting to hear from the Ocean County Prosecutor's Office but will not let this go, even if they are elected.

Mary Lou Powner stated she was a councilwoman in the 1990's for two terms but chose not to run again in 1999 because she was appointed Executive Director to the Governor's Council on Alcoholism and Drug Abuse. She said that someone on their team posted on your Brick Progress FaceBook page that she opposed Joe Sangiovanni in 2013 eluding that she is opposed to John Catalano. She said that she responded but her comments were removed and now she has been blocked from the page. She clarified that John was briefly appointed as councilman from August till December 2013 but since has served in the NJ Assembly and runs a business in town but that he never voted for a tax increase. She said the 2011 referendum was supported by the unions and if not approved would have had 25 percent or 29 police officers laid off along with no sanitation pick up. She said that the Democrats were asked to support it but they declined. She also noted that the Building Department has made in excess of \$800,000.00 over their budget and questioned why fees have not been lowered and why the turn-around time for a permit is so long.

Charlie Bacon noted at the last meeting, the Mayor said crime is not isolated to Brick and said that someone that was affected spoke with him and was upset by those comments. A series of crimes have been identified and videos have been given to NJ12 and other outlets. Under the Democratic controlled statehouse in Brick, crime is up and fentanyl has infiltrated town and overdoses are up. As a result of the S-2 law passed, the town lost \$22 million dollars in school funding, this council waited 13 months to pass an ordinance. Teachers have been cut, class sizes are up and more money is needed to accommodate non-English speaking residents. Parental rights are in question. He said he also spoke at the Board of Education meeting about this. Some of you have jumped on busses to protest and wrote letters but received no response from the State. He said that for weeks they have sent out information not saying that you are Democrats and this is deliberate message to show you are not associated with the Governor. He asked if they are Democrats or are abandoning their party to stand with Brick residents?

Jim Palmisano said he was glad to see people come out and stand up tonight. He also commented on information being mailed out that says re-elect but a good portion of you were not elected. He asked where is the increased money from rebuilding homes, money from the State for Sandy and the federal and state money for COVID. He said that he ran a successful business and they cannot keep having zero increases and the budget balloons and miraculously they find the money? He said the lies are over and he asked if they are embarrassed to be a Democrat. He said that they can't label themselves as a Democrat if they are conservative. We have an election in less than thirty days and the people will speak for themselves.

There were no further comments from the public.

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

Mayor Crate thanked the 75 people or so that came out for Pick-Up Brick in Breton Woods. She noted there were a lot of fun trails and the residents were happy about saving the area. She gave a shout out to Vinnie Palmieri for organizing the event and said that more clean-ups are scheduled in the cooler months. She thanked both Brick Memorial and Brick Township High Schools for inviting her to their recent band competitions. The new bike and scooter park officially opened but there's still more work to be done on it. Skateboarders are also welcome there. The Craft Fair and Challenger Halloween were held this past Sunday and had a great turn-outs. She recently interviewed new Eagle Scout Isabel Bartolucci on Crate Conversations whose project

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was to improve the flagpole area at the PAL building. Isabel also encouraged more students to join the scouts.

Councilwoman Pontoriero advised last Friday we hosted the Italian flag raising. She along with Council President deJong and Commissioner Joe Vicari were in attendance. She said it is important to pay tribute to those that came before us and noted they have the highest amount of Italians in the county. She was upset that the day is now shared with Indigenous People's Day, they should have their own day. The immigrants were here legally and built the skyscrapers and it is important to recognize where they come from and the efforts of the Italian/American descendants. She appreciated UNICO efforts for organizing the event and said that the organization was formed to serve others and recognize Italian heritage. She also thanked the Ocean County Columbus Day Parade Committee for bringing artists from Italy to perform here and at the both high schools. She concluded with saying there is a time and place for political information and a government meeting is to conduct government business. She agrees with Mr. Bacon and Mr. Palmisano and would love a debate and Lions Head South has hosted one for the past twenty years but this years was cancelled due to the lack of participation but she would love the opportunity to set-up a debate since this is not the proper forum.

Councilman Ambrosino spoke of an upcoming charity 5K event – River Rock and Run taking place on November 4 complete with food, prizes, raffles. All proceeds will go to Fulfill Food Bank. Last year's event raised over \$4,000.

Council Vice President Zapcic said that a lot of words were thrown around that she wanted to clarified. She addressed Mr. Palmisano's comments and said that in 2011 the tax base was \$10,665,443,870 and in 2023 it is \$10,550,818.600 resulting in a net loss of \$114,625,270. The ratable base is still not at before Sandy levels. She said there are two assessments – one for property and one for improvement and with no improvement, there are no taxes. Sandy grants were reimbursable grants. She said that a few weeks ago he mentioned doing a forensic audit - that is required annually and there have been no findings. She said that is available if he would like to review it and she suggested he familiarize himself with the budget on the Township Website. She continued regarding the referendum in 2011. She read a statement from former Assistant Business Administrator Juan Bellu from a letter to the State requesting the lay-off plan for 117 employees. This included 29 officers and 8 crossing guards and the key words are at current staffing levels but this included \$1 million dollars in patronage jobs and after disbanding the Selective Enforcement Team or gang team. This is also after the Acropolis Team used fundraising money for BMAC for SummerFest. When it was going to be investigated, they withdrew from the program and disbanded it in 2012. He then lied to the 3 new council members – John Ducey, Susan Lydecker and Bob Moore - that it was too expensive to run. Too expensive to run when people are dying from overdoses and kept \$1 million dollars in patronage jobs and left the taxpayers holding the bag with a 24 percent tax increase and now they come in accusing this Mayor and Council of doing nothing about crime. They have reinstated BMAC, restored the Special Enforcement Team, now called the Street Crimes Unit, expanded community policing, restored the police department to a full complement of 142 officers up from the 125 in 2011. They have provided the police department with the manpower and tools they need. Look at the police website and I challenge you to find a police department in Ocean County doing more. Look at the Community Policing page – extend the tab for crime prevention and you will find three programs that have been funded by the BMAC program – the Neighborhood Watch Program, the youth coalition and the prescription drop box. What more do you suggest they do to combat crime? She said that if they have any concrete suggestions when they come up to speak are your remarks political rhetoric in an election year or are you suggesting the men and women in the police department are not doing their job.

Motion by Councilman Ambrosino and seconded by Council Vice President Zapcic to Adjourn the meeting at 8:32 p.m.

All Council Members voted AYE.

Heather deJong
Council President

Lynnette A. Iannarone
Township Clerk