

September 12, 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	Also Present
Councilman Perry Albanese	Kevin Starkey, Township Attorney
Councilman Derrick Ambrosino	Lynnette A. Iannarone, Township Clerk
Councilman Vince Minichino	Lisa Crate, Mayor
Councilwoman Marianna Pontoriero (left 8:30)	
Councilwoman Melissa Travers	Joanne Bergin, Business Administrator
Council Vice President Andrea Zapcic	
Council President Heather deJong	

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

Motion by Councilman Minichino and seconded by Councilman Ambrosino to dispense with the reading of the minutes from the August 22, 2023 meeting and approve same.

All Council Members voted AYE on the Roll Call

Presentations:

Mayor's Student Advisory Leadership Members

Mayor Crate and Council Vice President Zapcic recognized and commended the students and advisors that attended the Lindsey Meyer Teen Institute Summer Leadership Conference in August. It is a five-day program to guide young people to implement prevention strategies to enact a positive change in their schools. Participants included: Advisors: Brandi White & Kevin Mosely; and Students: Cameron Marr, Ashley Cali, Clark Demarest, Skylar Hillin and Erika Gonzalez-Fuentes. Not in attendance were Students: Madison Verdura, Benjamin Neller, Desirae Majett, Sofia Sharples and Miles Dawson. Certificates from the Mayor and Council President were distributed to each participant.

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

All Council Members voted AYE on the Roll Call.

Councilwoman Travers abstained on #6. Authorize Award of Contract for Professional Medical Services.

Recognize Constitution Week – September 17 – 23, 2023

Councilwoman Pontoriero stated this resolution recognizes the 236th anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention.

Authorization to Appoint Qualified Purchasing Agent

Councilman Minichino said this resolution authorizes the appointment of Erin Sauter as the Qualified Purchasing Agent for the Township of Brick. Ms. Sauter has been with the purchasing department since 2017 and has received all of the qualifications required for this title.

Authorize Insertion of Chapter 159 – NJ Dept. of Community Affairs Grant – Dialysis Transportation 2023

Mayor Crate advised this resolution authorizes the insertion of a grant in the amount of \$200,000 from the State of New Jersey Department of Community Affairs. This grant will help offset the cost for two busses, drivers and medical technicians to assist in providing dialysis transportation, a new service that will be offered to Brick Township seniors. The program will be run through the Township's Office of Senior Services.

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Authorize Insertion of Chapter 159 – NJ Department of Agriculture – Spotted Lanternfly Grant 2023

Council Vice President Zapcic stated this resolution authorizes the insertion of a grant in the amount of \$15,000 from the State of New Jersey Department of Agriculture Spotted Lanternfly Grant program. With these funds, the Township will retain the services of an outside contractor to treat the infestation of spotted lanternflies at Township-owned properties and parks.

Authorization to Bid for 2024 Professional Services

Councilman Ambrosino said this resolution authorizes the receipt of bids for 2024 professional services. The current pool of professionals is valid through December 31, 2023.

Authorize Award of Contract for Professional Medical Services

Councilman Albanese explained this resolution authorizes the award of contract for Professional Medical Services to the following vendors: Robert Wood Johnson Health System; Hackensack Meridian Team Health and the Institute for Forensic Psychology. The services in this contract are the provision of pre-employment physicals, fit for duty exams and drug and alcohol testing for new and existing employees. Notices were provided to 19 prospective bidders and 17 picked up bid packages. Four bids were received. This is a one-year contract commencing September 13, 2023 and ending September 12, 2024.

Authorize Award of Contract for Ambulance Repairs

Councilwoman Travers advised this resolution authorizes the award of contract for ambulance repairs to Larson Ford. This contract is for auto mechanical repairs, life support components and body repairs at specified labor rates. Bid notices were provided to 14 prospective bidders and seven vendors picked up bid packages. One bid was received. This contract is for two-years commencing September 13, 2023 and ending September 12, 2025.

Authorize Award of Contract for Purchase & Delivery of Automated Garbage Cans

Councilman Minichino stated this resolution authorizes the award of contract to Rehrig Pacific Company, Erie, Pennsylvania, for automated garbage cans. There are three sizes of cans included in this contract: 95-gallon containers at a cost of \$59.57, 65-gallon at a cost of \$52.78 and 35-gallon at a cost of \$48.25. This contract is for two years commencing September 13, 2023 and ending September 12, 2025. Bid notices were provided to 13 prospective bidders and 10 picked up bid packages. Three bids were received, with Rehrig Pacific Company being the lowest responsive, responsible bidder.

Authorize Award of Contract through State of NJ Cooperative Purchasing Program – 2024 Ford Expedition XL 4x4

Councilman Ambrosino advised this resolution authorizes an award of contract to Ciocca FMFL, for the purchase and delivery of one 2024 Ford Expedition XL 4x4 for use by the Brick Township Police Department. This purchase was approved as part of the 2023 capital budget. This purchase is being made through the State of New Jersey Cooperative Purchasing Program.

Authorize Award of Contract through Ocean County Cooperative Pricing System – 2024 Ford E-350 EIDorado Advantage

Mayor Crate advised this resolution authorizes the award of contract to Rohrer Enterprises, in the amount of \$110,579.00 for the purchase and delivery of a 2024 Ford E-250 EIDorado Advantage. This vehicle is a handicapped-accessible bus that will be used by the Township's Office of Senior Services for transportation. This purchase is being made through the Ocean County Cooperative Contract.

Authorize Award of Contract for Purchase & Delivery of Six Ford Police Interceptor Utility Vehicles

Councilwoman Pontoriero said this resolution authorizes the award of contract to Gentilini Ford, in the amount of \$293,994.00 for the purchase and delivery of six 2022 or

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newer Ford Police Interceptor Utility Vehicles. These vehicles were included in the Police Department's 2023 operating budget. Notices were provided to 25 bidders from our bidders list and seven requested bid packages. Two bids were received with Gentilini Ford being the lowest responsive, responsible bidder.

Authorize Award of Contract for Furnishing & Installation of Safety Netting – Drum Point Sports Complex Softball Field

Council Vice President Zapcic stated this resolution authorizes an award of contract to Tex-Net, in the amount of \$22,354.00 to furnish and install safety netting at the softball field at Drum Point Sports Complex. In compliance with the Local Public Contracts Law for purchases over 15 percent of the bid threshold, the Township solicited and received two quotes. The bid received from Tex-Net was the lower of the two bids received. The replacement of safety netting was included in the 2023 capital budget.

Authorize Award of Contract 2023 Road Program – Baywood West

Councilwoman Travers said this resolution authorizes an award of contract to Earle Asphalt, in the amount of \$736,413.13 for the Baywood West road program. Roads scheduled for paving under this contract include Birch Drive, Glenn Drive, Maple Court, Spruce Court, Chestnut Court, Cedar Drive, parts of Holly Court East, Pine Drive South, parts of Bay Laurel Drive, Wiletta Drive, Delmar Drive and Bonair Drive.

Authorize Award of Contract 2023 Road Program – Lakewood Gardens

Councilman Albanese stated this resolution authorizes an award of contract to Meco Inc., in the amount of \$761,243.50 for the Lakewood Gardens road program. Roads scheduled for paving under this contract include Chestnut Avenue, Bradley Avenue, Walnut Avenue, Garden Avenue, Cherie Drive, Park Place, Melody Avenue. Green Avenue, Pleasant Avenue, parts of Green Grove Road and Aspen Street.

Authorize Change Order #1 – 2020 Roadway Resurfacing Improvements to Siclar Estates Phase II

Councilman Minichino advised this resolution authorizes a close out change order with Meco Inc. for the 2020 Roadway Improvements to Siclar Estates Phase II contract. This change order reflects a decrease of \$70,220.30 in the original contract amount, as the result of final as-built quantities.

Authorize Placement of Tax Lien for Property Clean-Up Block 1324.01, Lot 17

Councilman Minichino said this resolution authorizes the placement of a tax lien in the amount of \$38.35 for property cleanup at 105 Riviera Drive.

Authorize Special Events Permit – St. Raphael's Church Mumkin Sale

Councilwoman Pontoriero stated this resolution authorizes a special event permit for a Mumkin Sale Event at St. Raphael's Church from 9 am to 2 pm on September 30.

Authorize Person-to-Person Transfer of Plenary Retail Consumption Liquor License – from P.J. Sweeney's to MJ's of Brick, LLC

Councilman Ambrosino advised this resolution authorizes a person-to-person transfer of a plenary retail consumption license issued to PJ Sweeney's to MJ's of Brick, LLC.

Tax Collector

Business Administrator Bergin advised of the following:

- 100% DAV/Widow of Veteran Deduction – Block 1170.07, Lot 2
- 100% DAV/Widow of Veteran Deduction – Block 1210.22, Lot 16
- Tax Overpayments 2023 – Block 1401.26, Lot 31; Block 1429, Lot 1; Block 842, Lot 27; Block 648, Lot 13
- Tax Exempt – Block 646, Lot 21

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 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 \$1,825,007.86

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 Ambrosino and seconded by Councilwoman Travers to adopt the following Resolution:

All Council Members voted AYE on the Roll Call.

Manual Bill Resolution in the amount of \$1,929,475.68

Ordinance on Second Reading – Creating Chapter 286 “Project Labor Agreement”

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

Mayor Crate explained this ordinance establishes a Project Labor Agreement to ensure that public construction contracts with total project costs that exceed \$5 million, which the municipality directly undertakes, are performed promptly, at a reasonable cost, and with the highest degree of quality. This chapter also creates opportunities to employ a substantial number of apprentices thus ensuring that these projects will expand access to living-wage careers in the construction trades for a new generation of workers. This is a bipartisan effort that ensures that they can provide good paying jobs for Brick residents. This Project Labor Agreement puts Brick residents first that is something to be proud of. It is not about democrats or republicans but what is best for Brick Township. These projects will be done by skilled laborers who will take pride in their work because they live in Brick Township.

She opened the public hearing on the Ordinance advising the audience if they wish to speak, they would have to raise their hand and be called upon.

Sam Foster asked if it applied to all appointments by Township of Brick.

Township Attorney Starkey advised it is for public construction projects by bid that exceed \$5 million dollars.

Rocco LePore said he is a 35-year Brick resident and 30-year union member of the Eastern Atlantic States Regional Council of Carpenters. A Project Labor Agreement is important because in addition to hiring professionals it allows residents to support their families and urged the council to pass this ordinance.

John Gonzales of Laborers Local #77 and makes family supporting wages and gets quality healthcare. Without union oversight, contractors expose workers to unsafe conditions and they prey on black and brown people to maximize profits. Unions provide a pathway to financial stability no matter of race, gender or ethnicity all with a high school diploma. Non-union contractors do not provide pathways to careers in construction. Our young people deserve a chance to train in the career of their choice. PLAs ensure workers are paid and trained properly. Passing this PLA ordinance will make it clear that

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Brick is committed to high quality and an experienced workforce ensuring projects are completed on time.

Marie Veltrano did research on PLAs and has properties in New Jersey. She's attended many meetings and was at the meeting when Mayor Crate advised the tax budget was not to be increased. All bidders must be qualified to bid and this chapter would limit the work to only union workers but they would get the best work when it is open to everybody and that includes people in Brick that are non-union with a small business. Subcontractors would also be kicked out if they are not union. There is a State law on this and she also testified at the assembly on this issue and it was raised on the issue of diversity, equity and inclusion. Its important to note that many contractors are non-union, 98 percent and being a woman likes free competition. There should be fair competition especially with the State law.

Frank Cook a partner with Fox Rothchild in Princeton specializes in Project Labor Agreements. He wanted to make the council aware that if they use a Project Labor Agreement they are deciding to use union labor to perform the work. 85 percent of the work force in the United States are non-unionized so they are limiting yourself to 15 percent. Also, if a specific union is deliberately excluded from the Project Labor Agreement and they are a qualified source of labor it is violating the competitive bidding laws in the Constitution of the United States and there is case law on that and he wanted to make the council aware of that.

David Szczytko said a PLA mandates that employees are vetted and being paid a proper wage as opposed to certain contractors that do not care about qualifications and safety. Any contractor can join a union. It's a matter of mandating standards.

Vic Fanelli had numerous questions about the PLA and asked the council if they read the whole thing. He said there is no question about the cost being more because of prevailing wage. He said they are looking for apprentices from Brick but the student population is down 3000. He said 90 percent of the country thrives without being in a union. He questioned why Councilman Minichino did not abstain on first reading because he is in the Teamsters Union. He noted it said the Township would have to host a job fair and oversee the performance of work. Can anyone in the Township oversee that work? There are a lot of Pennsylvania license plates around because they can't afford to live in Brick because taxes are so high in New Jersey. What about the Merit Shop Contractors – they live in Brick and raise their families here and possibly voted for you. What about the Voc-Tech school to train? Last year the Governor passed this giving the Township the right to pass it too. The Governor gets millions of dollars in support from unions. Who will bid on these based on the requirements? He referenced numerous requirements and does not see how the Township will receive them. He read directly from the Ordinance: the terms of the PLA shall prevail over any collective bargaining unit; Numerous reports will be need to be provided and under remedies (penalties), that all decisions are determined by the business administrator are final. That is giving the BA supreme power. He said that it says that the Business Administrator can charge up to \$250,000 on a \$5 million-dollar contract and if reports are late another \$1,000 a day. Who is going to bid on this? It's unreal and asked why are you doing this? He said he's not against unions, he was an aircraft mechanic in a union.

Council President deJong said that they read the ordinance and knows what it says.

Male Resident (did not give name) said there were a lot of inaccuracies of what was just said. He said that he is part of a union and it enables him to earn a livable wage.

Female Resident has lived in Brick all her life and her son attends Brick High School and would also like to get into the trades. It's only because of the trades that she is able to support her family and stressed the importance of labor unions.

Dave Klaus member of the carpenter's local for 30 years. His grandfather was one of the founding residents of Brick. He has received exceptional training and with a union

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you get a trained workforce, accountability and safety in a dangerous business.

Stephanie Atkins, a 13-year laborer and a woman in construction enabled her to get a house. She said that the only job sites with women are union sites because they are not given the opportunity elsewhere.

Stephanie Wohlrab outlined a few things as a mother of a union worker and resident of Brick. PLAs contribute to encourage the use of local workers and businesses, it has economic benefits, brings a skilled workforce with high quality work and complete projects efficiency and effectively. It ensures that tax payers receive value for their investment. There is labor stability to ensure projects are completed on time. There are tax credits for townships that use PLAs. There is safety and quality oversight which reduces accidents. There are community benefits and a spirit of cooperation between all parties and it provides compliance through clear work rules and reduces the risk of litigation. I encourage the council to explore the value of PLAs.

Samantha Dealmeida-Roman a 27-year resident and her husband is currently a councilman in Linden. She is president of the NJABC – New Jersey Association of Builders & Contractors comprised of firms that complete industrial and commercial work and has 1300 members – the largest chapter in the country. She spoke with a strong opposition to the ordinance. Prevailing wage has to be paid but the issue comes in with number of people on the job. Their numbers in safety have gone up and there is mandate by the New Jersey Department of Labor. There is an outdated study on file. She said they also provide training. She asked how the township will offset the increased costs involved? She has 21 companies based in Brick and live here too with minority and women workers. Any contractor must be affiliated with an apprenticeship program. 98 percent of minority contractors are non-union and that is why groups have come out against PLAs and asked the council to consider the statistics.

Paul Prendergast a labor compliance analyst with the Eastern Atlantic State Regional Council of Carpenters representing 20,000 workers. The ABC represents owners of companies throughout the country and are a special interest group in order to increase the profit margins for their members. Nationally their group has appealed the prevailing wage laws. The State of New Jersey maintains a list of contractors who are not allowed to perform public work and over 90 percent are affiliated with the ABC. They resort to extreme measures to oppose labor laws and try to scare residents and villainize elected officials. No two projects are the same and the ordinance provides a great opportunity to ensure workers are treated fairly with the dignity they deserve and asked that they pass this ordinance.

Ron Micher, Director of Labor Compliance for the Carpenters Union of New Jersey and the Project Labor Agreement study is from the Corzine administration. It's old and has been flawed from the start and continues to be flawed. He heard a lot of things tonight and was glad that the one resident brought up all the details involved, it's the responsible thing to do. Over 90 percent of the companies in this state are not union and are involved with ABC. He said he also served on their board for ten years and it's a bad place. They only represent companies not workers. Workers can be paid a lower rate for doing more skilled things. He commended the council on taking this step.

Frank Cook, attorney with Fox Rothchild spoke again to ensure what he said earlier was clear. He said they are all able to come here tonight to speak due to the Constitution's First Amendment Freedom of Speech. There is also a fundamental right to freedom of association clause with a union of your choosing or not to associate if you so choose. However, what's very important is the actual verbiage in the Project Labor Agreement and would agree if it excluded a specific union, it fringes upon the Constitution. And the issue that they have from a governmental standpoint is if you are a republican or democrat from Presidential to Governor or Local, if you have a politician that does not support a particular union it runs afoul of the US Constitution.

Council President deJong noted they recognized Constitution Week earlier in the meeting.

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Carmine Madsen of Eastern Atlantic States Regional Council of Carpenters asked who that man represents.

Council President deJong advised she believed he was with Fox Rothchild Law Firm.

Christina Montorio a business agent with the teachers' local union in Hazlet and agent for a construction hiring firm addressed the ABC comments noting the 2008 study is not accurate. She urged the council to study the facts. PLAs do not increase costs and can come out at a lower price. There are other statistics that can be looked at too. She referenced many local businesses that use PLAs all coming in with lower costs and on time. There are over 110 companies on the NJ Department of Labor website with violations. This law and ordinance will deliver to taxpayers what they need value for their dollar and getting what they pay for while ensuring it gets done right the first time.

John Sluka asked how many projects they have over \$5 million dollars unlike the school system because you have nothing to do with them. It's big discussion for something that is hardly ever do.

Council President deJong replied none currently.

Nicole Vecchio Director of Research for the laborers Eastern Region Division including Brick. She said PLAs are personally important to her because her father was in a union and it enabled her and her sisters to go to college, live in a home and have medical coverage. There were a lot of myths said tonight. There is no evidence of increased project costs with PLAs. Wages are set with prevailing wage. In most reviews, there is zero evidence. PLAs do limit competitiveness, union and non-union are bidding for work. Unions membership allows one to learn and earn, have medical coverage and retire with dignity. PLAs also help with regulatory compliance. Non-union contractors are found to be cheating and failing to register. She thanked the council for their leadership and urged them to vote yes for this ordinance.

Douglas Coaly (sp?) owns a home in Brick for 16 years and is a union member like his father. They both worked on the Twin Towers and is for a PLA. Its important to understand that union workers get a fair wage. His father told him, "It's a fair's day pay for hard days labor." Bidders are all giving the same wage. He is a superintendent with 65 guys that work for him. He is for the PLA.

Pam Rourke a 26-year resident of Brick and a member of the Ironworkers Local #11 for almost 32 years. Her job allowed her family to buy their house in Brick. She spent 3 years as an apprentice and was one of the first women in the local. They receive a lot of training and education which has now been increased. She doesn't believe that is the case with all workers and that unions want their workers to do their job well. She loves Brick and is for the PLA and thanked the council for considering.

Robert Glenn was a 17-year resident and now lives in Forked River. He said that with regards to wages of non-union employees, the taxes that are not paid is staggering. Being a union employee there is a lot of money that goes back in and all of their hard work helps everyone.

There were no further comments from the public on the Ordinance.

Council President deJong closed the public hearing on the Ordinance.

Motion by Councilwoman Pontoriero and seconded by Councilman Ambrosino 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 the Roll Call except Councilman Albanese abstained.

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AN ORDINANCE OF THE TOWNSHIP OF BRICK, COUNTY OF OCEAN, STATE OF NEW JERSEY TO CREATE A NEW CHAPTER IN THE TOWNSHIP CODE TO BE ENTITLED "PROJECT LABOR AGREEMENT"

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

John Sluka read his letter dated August 31 about new research and health guidelines about air pollution leading to colon and prostate cancers. He said that poor air quality has been linked to respiratory health too. The air pollution in the area was caused by the removal of trees and the Parkway expansion project. Residents are impacted and 20 feet high sound and safety walls and reforestation are needed to lower these instances. He said legal action is a necessity and to make the NJ Turnpike Authority act now.

Vic Fanelli had closing comments and asked again if they don't have any \$5 million-dollar contracts, why are you doing this? If you're interested in the apprentice program, you had the school board president here tonight and could have asked what is Voc-Tech doing to promote these careers. Those training systems are already in place. He said he's predicting that small businesses are going to shun Brick now.

There were no further comments from the public.

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

Business Administrator Bergin thanked the council and congratulated Erin Sauter on her appointment.

Mayor Crate also congratulated Erin. She gave a few reminders. She then put out an official statement to address an issue regarding parents' rights and the education of their child and Governor Murphy's policy on gender identity and transgender rights. She said she's been an educator for over 30 years and the best way to ensure that educators can provide a healthy and productive environment for all students is to have open communication between parents and teachers. If parents have any concerns they should first call their teacher as they are all working toward the same goal - the success of the students. Under Governor Murphy's policy, educational professionals cannot do that and she opposes his policy on parental rights. Parents have the right to be informed about their child's mental, physical and sexual health. Educators have worked for decades to open those lines of communication for the betterment of all of their students and this policy makes it impossible to do so.

Clerk Iannarone, Ms. Murphy and Councilman Albanese congratulated Erin on her appointment as our QPA.

Councilwoman Pontoriero left the meeting at 8:30pm.

Councilman Ambrosino also congratulated Erin and the students of the leadership program recognized tonight.

Council Vice President Zapcic also congratulated Erin and the students of the Mayor's Student Advisory Board. This is the second year we sent students to Lindsey Meyer Leadership Conference. Last year the Municipal Alliance Committee received thank you letters from those that attending stating it was life changing. We were fortunate to obtain funding through the Division of Mental Health and Addiction Services to send another group this year. Two students were promoted to youth counselors. It's a great program and we are growing some really great young people in Brick. As Chair of BMAC, it is an honor to be able to see this program take root and its thanks to the Mayor.

Council President deJong also congratulated Erin and suggested to Brick residents here tonight to sign up for the Longest Table event. She said the Senior Vendor Fair will take place on September 29 at 9:30 – 11:30 at the VFW followed by raffles and lunch. It will hopefully be the last big event at the VFW prior to our new facility opening in October.

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Motion by Councilman Ambrosino and seconded by Councilman Albanese to Adjourn the meeting at 8:41 p.m.

All Council Members voted AYE.

Heather deJong
Council President

Lynnette A. Iannarone
Township Clerk