

February 27, 2024

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 12, 2024. 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
Councilwoman Heather deJong
Councilman Steve Feinman
Councilwoman Melissa Travers
Council Vice President Derrick Ambrosino
Council President Vince Minichino

Also Present
Kevin Starkey, Township Attorney
Lynnette A. Iannarone, Township Clerk
Lisa Crate, Mayor
Joanne Bergin, Business Administrator

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

Motion by Councilman Albanese and seconded by Council Vice President Ambrosino to dispense with the reading of the minutes from the February 13, 2024 meeting and approve same.

All Council Members voted AYE on the Roll Call.

Presentation – Brick Memorial High School Girls Soccer Team

This presentation was postponed until the next council meeting.

Motion by Councilwoman Pontoriero and seconded by Council Vice President Ambrosino to adopt the following Resolutions:

All Council Members voted AYE on Roll Call.

Authorize Emergency Temporary Budget Extension

Council Vice President Ambrosino advised this resolution authorizes the extension of the Township's temporary budget, which remains in place until the 2024 Municipal Budget is approved. In accordance with State law, municipalities must operate using a temporary budget so that commitments and payments can be made prior to the adoption of the budget.

Authorize Form and Sale of Bonds

Councilwoman deJong explained this resolution provides for the combination of the sale of bonds not to exceed \$15,210,000 and the sale of bond anticipation notes in the amount of \$19,586,800.00. As projects are approved, the township typically starts by securing Bond Anticipation Notes, known as BANs, which is a temporary form of financing. Once the project scope, or equipment specifications, are better defined we roll those BANs into bonds. We use temporary financing at the outset to give us a chance to better define costs as opposed to long-term financing on estimates. Notes (short-term financing) may be rolled into Bonds (permanent financing) after their third anniversary date, which is the typical practice of the Township. This is done in accordance with recommendations from our Bond Counsel, Financial Consultant, and Chief Financial Officer. The Bond and Note will be sold and issued with the provisions of the Local Bond Law.

Authorize Receipt of Bids – Roadway Improvements to Courtshire Drive

Councilwoman Pontoriero stated this resolution authorizes the receipt of bids for roadway improvements to Courtshire Drive. This project was approved in the 2024 capital budget.

Authorize Award of Contract through Stafford Township Cooperative Pricing System – Furnishing and Delivery of Diesel Fuel

Council President Minichino advised this resolution authorizes the award of contract for the delivery of diesel fuel to Riggins Inc. This is a firm priced contract with a fixed margin of \$0.193 per gallon over the low posting price for ultra-low sulfur diesel fuel as indicated on the day of the delivery. This is a two-year contract made through the Stafford Township Cooperative Pricing System.

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Authorize Award of Contract – Mobile Ice Cream Truck

Councilwoman Travers said this resolution authorizes an award of contract in the amount of \$1,600.00 for Cool Concessions, Inc. for exclusive rights as the mobile ice cream truck vendor at Township parks. The award is for one year. Bid notices were provided to 118 prospective bidders from the bidder's list and 7 picked up bid packages. One bid was received.

Authorize Qualified Purchasing Agent to Award Contracts and Purchase Goods Below Township's Bid Threshold

Councilman Albanese explained this resolution authorizes the Purchasing Agent to be able to award contracts over the pay-to-play threshold of \$17,500.00 but below the bid threshold of \$44,000.00. There was a change to State Law last year that allows a QPA to make these awards. The paperwork required from vendors prior to award would stay the same (Political Disclosure, Business Entity Disclosure, etc.). This resolution will help expedite purchases because right when day 11 hits after the Political Disclosure Form is submitted, the purchasing department can issue a purchase order. There were some times last year that deadlines were missed for a Council meeting and had to wait an additional 2-3 weeks for the resolution to be approved before a purchase order could be issued.

Authorize Acceptance of Grant - Safe and Secure Communities Program 24-1506

Council Vice President Ambrosino stated this resolution authorizes the insertion of a grant in the amount of \$45,150.00 from the New Jersey Department of Law and Public Safety for the Safe and Secure Communities Grant Program. The Safe and Secure Communities Program, enacted into law in 1993, is designed to provide municipalities with funding to add law enforcement personnel vital to effective police operations and other crime related strategies as warranted by the needs of the community. The program allows for the funding of additional officers or funding of law enforcement support personnel which would free-up officers for direct law enforcement activities. In Brick Township, these funds are used to offset police department salaries.

Authorize Shared Services Agreement – FY24 Ocean County Sheriff's Traffic Enforcement Program

Councilwoman Pontoriero advised this resolution authorizes a shared services agreement with the County of Ocean for the FY24 Sheriff's Office Traffic Enforcement Program. Participation in this grant program will allow the Township to be reimbursed for overtime expenses that are incurred by the Police Department at an hourly rate not to exceed \$70.00 per hour for traffic enforcement activities.

Authorize Updated Enabling Resolution - #1507-01-044 Township of Brick Planning Incentive Program

Councilwoman deJong stated this resolution authorizes an agreement with the NJDEP Green Acres program to provide funding for the Township's Planning Incentive Program. This agreement will increase Green Acres funding for the Township's open space acquisitions by \$1.2 million. This resolution modifies one approved by the Township Council in January, after the NJDEP Green Acres program made changes and increased the potential reimbursement amount.

Authorize Updated Enabling Resolution for Supplemental Funding Request – #1507-01-0444 Township of Brick Planning Incentive Program

Councilman Feinman advised this resolution authorizes a request to the NJDEP Green Acres Program for an additional \$2 million that may be needed for potential open space acquisitions as recommended by the Mayor's Brick Open Space Savers Committee. The parcels are located on Hooper Avenue, Adamston Road, and Herbertsville Road. This resolution modifies one approved by the Township Council in January, after the NJDEP Green Acres program made changes and increased the potential reimbursement amount.

Authorize Sale of Two New Taxicab Business Licenses

Councilwoman Travers said this resolution authorizes the sale of two new taxicab business licenses. The minimum bid has been set at \$200.00. The Township Council Business and Finance Committee approved the sale based on requests from taxicab companies who meet the criteria set forth in the Township code.

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

- Inspection Fund Release – Block 382.43 / 382, Lots 3.02 / 8.01
- Inspection Fund Release – Block 446, Lot 1
- Inspection Fund Release - Block 1149, Lot 5
- Performance Guarantee & Inspection Fund Release – Block 1170, Lot 10.01
- Inspection Fund Release – Block 1338.15, Lot 22

Tax Collector: Business Administrator Bergin advised of the following:

- 100%/DAV Widow of Veteran Deduction – Block 377.01, Lot 66
- 100% DAV/Widow of Veteran Deduction – Block 1256.06, Lot 9
- 100% DAV/Widow of Veteran Deduction – Block 1399, Lot 114
- Overpayments 2024 – Block 90.02, Lot 9; Block 1192.08, Lot 128

Council President Minichino opened the public hearing on the Resolutions.

Sam Foster questioned the economical benefits of bio-fuel versus electric vehicles.

Business Administrator Bergin advised that an Electric Vehicle Committee was established by Mayor Ducey to research this but it has not been prioritized yet. Electric vehicle charging stations have been installed at Drum Point Sports Complex and Windward Beach Park.

Sam Foster also questioned the taxicab license bid and the small amount revenue raised.

Business Administrator Bergin stated two people are interested at this time but it is not a money-making bid – it is done for the need of the residents.

Nan Coll asked to supply addresses in addition to the block and lots or to just provide addresses.

Vic Fanelli questioned the bid threshold for the QPA. He also asked about the increase in the Green Acres Grant.

Business Administrator Bergin said the bid threshold ranges from \$17,500 - \$44,000.00. With regards to the Green Acres grant, the state increased their amount to us for reimbursement for Open Space and other projects.

Vic Fanelli also questioned the need for taxicab licenses and did not realize we currently do not have any taxicab businesses in town. He also questioned the resolution for the Sale of Bonds and noted the resolution was 34 pages. He said he was under the assumption bond ordinances are done for up to 15 years and some of these date back to 2016.

Business Administrator Bergin replied that the taxi licenses was based upon requests from two prospective businesses. With regards to the bonds, she explained they only obtain temporary notes initially and sell when financing is at its prime. This is at the suggestion of the bond counsel and CFO.

There were no further comments from the public.

Council President Minichino closed the public hearing on the Resolutions.

Council President Minichino opened up 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 Travers and seconded by Council Vice President Ambrosino to adopt the following Resolution:

All Council Members voted AYE on the Roll Call.

Council President Minichino abstained on Teamsters.

2024 Computer Bill Resolution in the amount of \$12,360,712.02

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Council President Minichino opened up 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 Councilwoman Pontoriero and seconded by Councilman Albanese to adopt the following Resolution:

All Council Members voted AYE on the Roll Call.

2024 Manual Bill Resolution in the amount of \$1,914,593.35

Ordinance on First Reading

Amending Chapter 225 to Establish Requirements and Fees Applicable to Lead Paint Inspections for Rental Properties

Clerk Iannarone read the Title of Ordinance into the Record.

Council Vice President Ambrosino advised this ordinance is needed in response to the State's new Lead Based Paint Law (N.J.A.C 5:28A). This ordinance implements lead paint inspections in Brick which will be completed by Township Code Enforcement officials during the rental certificate of Occupancy (CO) process. The regulations apply to single-family rental property owners only. Once a unit is certified lead free, the Township still has to go back after 2 years in the event of chipping or peeling. Property owners have the right to get a more detailed lead-free certification at their cost. Short-term rentals have to be inspected by July 2024, at each change of tenancy or two years. The State does an inspection every 5 years for multi-family dwellings. The Township applied for, and received, a grant to purchase testing materials and to send staff for training. The lead-based paint testing will be part of the rental checklist going forward. The rate set for inspections is \$25.00, plus an additional \$20.00 per unit inspected for deposit into the Lead Hazard Control Assistance Fund established pursuant to State Law. Reinspection will cost \$50.00, plus an additional \$20.00 per unit inspected for deposit into the Lead Hazard Control Assistance Fund established pursuant to State Law. The \$20.00 surcharge does not apply when the unit owner demonstrates that the DCA has already assessed such a surcharge.

Motion by Councilman Albanese and seconded by Councilman Feinman 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 CHAPTER 225 TO ESTABLISH
REQUIREMENTS AND FEES APPLICABLE TO LEAD PAINT INSEPTIONS
FOR RENTAL PROPERTIES IN ACCORDANCE WITH P.L. 2021, C.182.**

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

John Sluka said he hopes the lead paint inspections includes current and not just new properties. He also noted that the BMHS Girls Bowling Team won the State Championship today. He then read his letter dated February 25, 2024 regarding the impact of air pollution from the Garden State Parkway to the health of the residents residing in areas near it. He requested the need to replant the trees that were destroyed by the NJTA.

Nan Coll stated that the lead paint has been linked to autism and that POAC was very active at one time.

Sam Foster suggested reaching out to Toms River who had an autism cluster and did studies. He also said that NJ Natural Gas is working in his neighborhood and he complimented the professionalism and politeness of the police officers working at the sites.

Gatesy Nixon questioned the work being done at a former dance studio on Mantoloking Road and how it could have been approved. He held up a photo of the site for the council and audience. He said that he did an OPRA request and learned that this was a renovation permit but should have been a new construction one and set-back from the roadway. He asked if they had permission to close the sidewalk and dig into it. He said the front wall was left but is not attached and questioned the work the engineers and inspectors are doing there

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because there is no advocate for the people who use the sidewalk.

Gary Penzell, President of Seawood Harbor Property Owners Association said he attended the council meeting last March regarding the flooding in their neighborhood. He said in January, Knollcrest had 14" of water and no vehicles could get in or out including school buses. He requested funding for their road to be raised and said they were told they are on the list but only ranked #7 out of #12 on the priority list. He also advised of a huge hole on a bulkhead on Bay Shore Drive since December. He said the Township had it installed and he called Engineering and was advised they spoke to the contractor but it is still not repaired. There are also issues with a private beach on Rochester Drive where the roadway is falling into the bay and it is very dangerous. He showed photos of the all the areas. He said there are 150 families in that area and it is very scary when they cannot get out.

Tony Almeida, 74 Rochester Drive asked what the criteria is and how many storms have to happen before a they receive a remedy. He wanted to know so they can tell the residents they are not being ignored.

Council President Minichino asked if they have been contacting Administration and/or town hall.

Gary Penzell replied yes and were only told they were on are on the list.

Mayor Crate said she will speak with Engineering.

Fred Topinka, 49 Toronto Drive said the police department had a vehicle to get people out if necessary but that it was broken down.

Business Administrator Bergin said they have one vehicle and it was broken but has been repaired.

Anna Mayor, 66 Toronto Drive stated she is a 37-year resident and has loss work over the flooding. She is concerned about the new families and if anyone is sick and needs to get out. She worried about an ambulance getting through. She suggested that they raise the roads.

Vic Fanelli advised he passes the former dance studio and it's all new construction and said someone worked the system because it is not a renovation. He also asked if permission is needed to totally clear a wooded lot and doesn't that defeat the Green Acres protection. He wanted to know if the Township allows it.

Council President Minichino advised there is a process involved and sometimes they don't always see it but usually gets questioned by neighbors.

Nan Coll said this is another example of being reactive than proactive. She suggested adding caucus meetings again. She also asked if they have a 5 year or 10-year plan and said the council needs to find out what the residents need.

There were no further comments from the public.

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

Mayor Crate thanked the residents that came out to the meeting and said that she will look into their concerns. She thanked Osbornville School for inviting her to their fundraiser at Barnes & Noble and said next week she will be participating in Read Across America events at Herbertsville, Osbornville and Warren H. Wolf Schools along with the pre-school classes.

Councilman Albanese congratulated the Brick Memorial High School Girls Bowling team. He also told the residents that their concerns are heard.

Councilwoman Pontoriero thanked the residents that came out to request assistance and their issues will be addressed.

Councilwoman deJong advised that a few meetings ago they sold SRECs (solar renewable energy credits) and it yielded \$33,210.00. She also said that a couple of new businesses

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joined the Buy in Brick program – Eastern Shore Heating offering a 10 percent and Super Pollo 2 offering 7.5 percent rebate.

Councilman Feinman noted of the Facebook post by PD that police officers will never call you for donations. He reminded everyone to not give any personal information over the phone or any bank account numbers. He said do not be pressured by the caller – stay safe and have fun.

Motion by Council Vice President Ambrosino and seconded by Councilman Albanese to Adjourn the meeting at 8:05 p.m.

All Council Members voted AYE.

Vince Minichino
Council President

Lynnette A. Iannarone
Township Clerk